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OVERSIGHT HEARING ON THE FEDERAL ENFORCEMENT OF EQUAL EMPLOYMENT OPPORTUNITY LAWS

HEARING

BEFORE THE

SUBCOMMITTEE ON EMPLOYMENT OPPORTUNITIES

OF THE

COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, D.C. ON
AUGUST 19, 1980

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OVERSIGHT HEARING ON THE FEDERAL ENFORCEMENT OF EQUAL EMPLOYMENT OPPORTUNITY LAWS

TUESDAY, AUGUST 19, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EMPLOYMENT OPPORTUNITIES,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 9:30 a.m., pursuant to notice, in room 2257 of the Rayburn House Office Building, Hon. Augustus F. Hawkins (chairman of the subcommittee), presiding.

Members present: Representatives Hawkins, Weiss, and Petri.

Also present: Representative Patricia Schroeder, chairwoman of the Civil Service Subcommittee of the Committee on Post Office and Civil Service.

Staff present: Susan Grayson, staff director; Clemon Williams, legislative associate; Carole Schanzer, legislative assistant; Terri Schroeder, staff assistant; James Stephens, minority associate labor counsel; and Karen Vagley, majority counsel.

Mr. **HAWKINS**. The Subcommittee on Employment Opportunities of the Committee on Education and Labor will come to order.

This morning the subcommittee will be conducting an oversight hearing on the Federal Government's adherence to section 717 of the Civil Rights Act of 1964, as amended. Pursuant to this act, as well as other laws which prohibit discrimination in Federal employment, each executive department and agency is required to take steps designed to eliminate the underrepresentation of women and minorities in the Federal work force.

This morning we will focus on the findings of the subcommittee's survey of 45 selected Federal agencies which show, with only a few exceptions, that women and minorities are severely underrepresented in the upper salary grades of the Federal work force.

The notable exceptions are the Commission on Civil Rights, the Equal Employment Opportunity Commission and Action, all of which, at least on the surface, have exemplary employment profiles.

During the course of this hearing the subcommittee hopes to ascertain precisely what steps are being taken to insure that women and minorities are fairly represented in the Federal work force. Moreover, we want to know what action will be taken to reprimand those agencies which continue to demonstrate an unwillingness to hire and advance qualified women and minorities.

The current survey does not address the Federal Government's record with respect to hiring and promoting qualified handicapped individuals. As chairman of the subcommittee which has jurisdiction in this area, I recognize that an employment policy which prohibits discrimination in employment because of one's handicap, or for that matter age, is just as important as one which prohibits discrimination because of one's sex or race.

As such, future hearings and surveys will address this issue and focus on the Federal Government's record in this area.

The subcommittee is delighted to welcome the participation this morning of Congresswoman Pat Schroeder of Colorado who has taken a leadership in this particular field. It is with full cooperation efforts of her subcommittee, as well as other committees, that we intend to move ahead.

Ms. Schroeder, would you care to make a statement at this time? We would be very pleased to have it.

STATEMENT OF HON. PATRICIA SCHROEDER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Ms. SCHROEDER. Thank you, Mr. Chairman. I welcome and am pleased by your subcommittee's interest. My Subcommittee on Civil Service held intensive hearings on this issue in June. We held them dealing with the Civil Service Reform Act and the Garcia amendment. We were very frustrated and I hope some of the witnesses can respond to our frustrations.

Our frustration with the lack of implementation of the Garcia amendment caused the women's caucus, the black caucus and the Hispanic caucus in the Congress to jointly sign a letter to the President. It was dated July 2. We have yet to get a meaningful response.

Some of the things that concerned us were the fact that the Office of Personnel Management and the Equal Employment Opportunity Commission have not made it clear to the agencies what responsibility each one of them has for overseeing the programs.

The Office of Personnel Management has refused to exercise enforcement powers to encourage agency compliance with the Garcia amendment and the Equal Employment Opportunity Commission has no enforcement powers that they can exercise.

The Office of Personnel Management, and I think that this is the worst part of all, has not even asked the agencies for copies of their recruitment plans. I think that that communicates a real lack of interest in the Garcia amendment. OPM has gone after other provisions of the 1978 act but this one they just do not seem to be interested in.

Every agency that testified told us that they had compiled underrepresentation data that was specified by the statute. Yet not one agency has given that data to the Civil Service Subcommittee, so we wonder if that has happened.

All of the agencies said they are setting up a data system to comply with the statute. Yet the Office of Personnel Management has taken no steps to insure that these systems can be interfaced.

I can go on and on with the different things that we have been upset about that came out of our hearings. It really looked like OMP selected the pieces of the 1978 act that they wanted to go along with and the ones they did not like they would not bother with. The Garcia amendment was one that they did not like so they have not bothered with it.

I hope we get some response from the panels this morning on those issues because that is why I am here. We have been very frustrated by the lack of commitment, and I thank you for focusing on it.

Mr. **Hawkins**. I hope the panels will address some of the issues that you have raised. That is precisely the purpose of the hearing and we hope that by the end of the day we will have a few of the answers at least.

Mr. Petri, if you would like to make a statement we would be glad to have you do so at this time.

Mr. **Petri**. Mr. Chairman, I am not prepared to make a formal statement. But I do think when Congress passes laws they should not go unenforced or unobserved by the people who are charged with carrying them out. I think that this oversight hearing is an important process in making sure that the committee action is more than just words.

Mr. **Hawkins**. Thank you. The committee is pleased to have as members of the first panel this morning Hon. Daniel Leach, Vice Chairman of the U.S. Equal Employment Opportunity Commission who certainly is no stranger to this committee.

The second panelist is Mr. Jule Sugarman, Deputy Director of the Office of Personnel Management.

The third panelist is Mr. Nathaniel Scurry, Assistant to the Director for Civil Rights of the Office of Management and Budget.

PANEL OF WITNESSES: DANIEL LEACH, VICE CHAIRMAN, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; JULE SUGARMAN, DEPUTY DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT; AND NATHANIEL SCURRY, ASSISTANT TO THE DIRECTOR FOR CIVIL RIGHTS, OFFICE OF MANAGEMENT AND BUDGET

Mr. **Hawkins**. Let us then call on the panelists in the order in which they were introduced, beginning with the Honorable Daniel Leach, Vice Chairman of the U.S. Equal Employment Opportunity Commission.

STATEMENT OF DANIEL LEACH, VICE CHAIRMAN, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. **Leach**. Thank you, Mr. Chairman.

It will be my purpose this morning to appear on behalf of the Chair of the Commission, Hon. Eleanor Holmes Norton, who regrets she is unable to appear. She is away from the city.

I will address the matter of the affirmative action program Government-wide as we have inherited this responsibility mainly under the Reorganization Plan No. 1 of 1978. A component of this issue arises also in terms of the Civil Service Reform Act, which includes a specific congressional mandate embodied in the Garcia amendment which you and Representative Schroeder have referred to.

However, I will leave it up to Mr. Sugarman of the Office of Personnel Management to describe in detail the status of the implementation of the Garcia amendment. Suffice to say that the

Equal Employment Opportunity Commission did issue the implementing guidelines used by the Office of Personnel Management in establishing the Federal equal opportunity recruitment program.

We also work closely with the Office of Personnel Management to coordinate policy in this area and to avoid duplication, but it is to section 717 of the Civil Rights Act of 1964 as amended in 1972 that I will devote my primary attention. As a matter of fact, it was in 1972 that section 717 was added to title VII of the Civil Rights Act in order to require affirmative action in the Federal sector.

Reorganization Plan No. 1 as I indicated transferred to EEOC this authority over Federal agencies. In ordering the transfer, President Carter recognized that enforcement of the affirmative action program, in the past, by the "old"— and I use that word advisedly as the President did make this distinction—the "old" Civil Service Commission had been lethargic.

In fact because of uncoordinated and underfunded administration, the section 717 program became largely a paper process. This fact is underscored rather emphatically by the report of your subcommittee staff referred to in your opening remarks regarding the comparison of employment trends for women and minorities in the 45 agencies you looked at between 1976 and 1979.

To rectify that condition, Mr. Chairman, which you identified, the EEOC has designated the first year of its operation under this program, fiscal year 1979–80, as the transition period, a transition to create the predicate, to get the methodology and technical capacity developed and implanted in each agency in order to replace the legacy of the past.

We have thus developed our own section 717 guidelines to direct agencies and on our own we have included similar Federal recruitment planning and affirmative action planning obligations with respect to handicapped individuals. This relates to our responsibilities under section 501 of the Rehabilitation Act.

Specifically, the 717 instructions established a two-phase transition. Phase 1 ended in February, 1980. Under that phase agencies were required to concentrate on identifying, targeting, and recruiting for the most seriously underrepresented and the most highly populous occupations within their administrative framework.

Phase 2 is now in progress. It builds on those targets and will seek additional targets to meet the goals established under phase 1.

The experience of this transition year has been of enormous value. I cannot overstate how ambitious and complex it has been to initiate aggressive affirmative action planning for nearly the entire Federal sector. We confront a work force of over 3 million people, dispersed nationwide in a diversity of facilities, employed in a wide range of occupations requiring a host of different skills.

We identified about 300 entities, components, divisions and departments of agencies that are obliged to submit plans. For purposes of accountability we also identified the lines of authority and the chains of command.

It was during this transition period, this first year in which we inherited this authority, that it became apparent, Mr. Chairman, that multiyear planning in this area of affirmative action is an imperative. It is the only rational means of grappling with long-term overall employment underrepresentation problems as they exist in the Federal sector.

We have gone far to create the predicate, Mr. Chairman. We have put in place a stepping stone so that we can move Government wide to insist on multiyear plans that have effectiveness, that will bring this mission out of the paper-shuffling phase in which I think it became entrenched in earlier years.

But before the multiyear requirements can be implemented, let me reemphasize that the focus now is on methodology and technology as the only way to shift the Government's burden from mere concept and planning to actual implementation.

That is not to say that all agencies were ignorant of the process of affirmative action planning. I think some agencies had on their own developed skills with highly professional EEOC personnel planners.

Too often we found Federal agencies had no basic tools. They knew little of work force utilization, for example, the application of our uniform selection guidelines that for years had been in place in the private sector, the goal-setting process from ground up, data systems and how they interrelated in this system, and otherwise lacked basic expertise.

This reflects, too, the lack of priority that most agencies had placed on this particular objective of government. The transition will help change that. The full report of our experience during this initial period will be submitted and released as of March 31, 1981, 7 months from now.

Looking toward the future and based on this transition experience, the multiyear affirmative action guidelines will be released and imposed this fall. That is when, as we see it, the payoff must come. Multiyear plan requirements will translate concept and technique into operations and results. To that end EEOC is looking to a 3- to 5-year planning cycle.

First, we will continue to support and develop the Federal equal opportunity recruitment linkage, the so-called Garcia amendment.

Second, we will impose rigid goals and timetables to correct all underrepresentation government-wide.

Third, the plans will be predicated upon technological competence and legal sufficiency.

Fourth, we will explore computer technology to reduce paperwork and to systematize affirmative action activities.

Fifth, as the program evolves, agencies will be required to conduct more extensive work force analyses and establish even more rigorous annual and long-range goals, all to the end that we think the Federal workplace will become a showcase, will be truly representative, and that the greatest opportunities will be afforded to all.

There have been problems. I have mentioned some of them, but in large measure agencies have been responding and that is the bottom line. More have submitted plans in reponse to our initial instructions.

As to the 501 program, that dealing with the handicapped, the record is similar. For the first time agencies are beginning to deal with the issue of hiring and recruiting handicapped individuals at the Federal level and with a sense of priority.

Beyond affirmative action, your concerns also dealt with what we are doing about individual complaint processing in the Federal sector. I will spend a very brief time on this to summarize this rather lengthy statement.

First of all, as you know, we have a pilot program involving several agencies. We are taking a hard look at the point of beginning of an investigation in the context of Federal complaints of discrimination. We approach this matter cautiously because Federal employees have been provided over a long period of time with a unique status. To preserve that status, we are doing all we can in terms of consultation with civil rights groups, with labor organizations, and with agencies themselves. But most significantly in the context of these investigations, the pilot program provides an independent initial investigation by EEOC rather than a self-investigation conducted by the agency charged.

In turn we are finding Federal workers and applicants for jobs exhibiting renewed faith in using the system. This is in sharp contrast to the "fox in the chicken coop" situation which has always tainted this effort. However, we still see that image even now where agencies have refused to provide the Commission with relevant evidence in certain cases.

EEOC's authority on this issue is being examined to determine whether the power to compel cooperation and production needs to be buttressed. This whole question of compulsion and enforcement teeth, I might say, is a cloud that hangs over the affirmative action program. There is no big problem yet, but it may be on the horizon.

The figures from the pilot program are encouraging in every category, from findings of discrimination to the number of complaints resolved to the time it takes to investigate. Improvement over the existing system is demonstrated throughout.

Particularly I think the issue of how long it takes to investigate under our pilot program is most encouraging. It takes 100 days for a complete investigation as compared with 440 days under the longstanding program. We are cutting the time by more than two-thirds and we are providing increased benefits and increased service.

We are in the process now of finalizing a report on this pilot program and we will have it to you shortly. What it demonstrates is not only our success, but the poor record of delay, unprofessional investigations, and even conflicts of interest, real and apparent, that exist within the longstanding system.

It is because of this record, I must say, that the House has approved startup money to have EEOC begin to take over the whole process of investigation Government wide in this coming fiscal year.

To that end we have yet to finalize the procedures and we are doing the utmost, be reassured, to see that hearings will be preserved, to see that systemic enforcement will be maintained, and to see that individual rights will be fully vindicated.

The hearing function is another component of the old Federal program inherited by EEOC under the reorganization plan. Since taking over we see renewed faith, by Federal workers, in using the Government system.

Seventy-four percent more hearings have been sought since EEOC assumed this authority. The percentage of findings of discrimination following hearings also is significant. There are five and a half times more cause findings this current fiscal year as compared with the year preceding.

The review and appeals function, I think, tells the same story. This component of the Federal procedure requires EEOC to review and decide appeals of initial decisions. It was not transferred to us unencumbered. We obtained with it a backlog of about 1,850 cases unresolved, undecided, and unwritten. We have just recently mopped up this backlog, deciding and finalizing all 1,850 with the exception of a few clerical and procedural matters.

Again we think that our exercise of this authority demonstrates that Federal workers are coming in increasing numbers to rely more on using the system. There was an increase of 55 percent in the number of appeals taken in Federal EEOC matters as compared with the prior years.

I have only a moment left and I would like in that time to return to this question of the overall macroeconomic profile of the Federal work force and what is being done about it.

Let me say that few people not actually involved in this undertaking can appreciate the scope and scale of the endeavor. Our call for multiyear planning with rigorous goals and time frames based on the predicate, the stepping stone of the transition year, will not be answered by the legacies of lip service that went unchallenged in the past.

Nor is this simply a matter of setting up an EEO office, assigning a few staff and recognizing the obvious: That government, as employer, as you pointed out in your report, has used screens and filters to keep certain types of people out. It has devoted too little effort to bringing in those previously excluded.

That is true but it is superficial. In the little time allotted to EEOC so far in this particular task what we see are practices that are deeply embodied, policies that continue to engender discrimination. Multiyear plans will compel agencies to examine almost every facet of their administration. Identifying underrepresentation is only the first hurdle. For many agencies it will be a significant one but there are also other concerns: Inadequate information systems; questions about existing labor market availability; and possible orders by EEOC to seek new and more expanded labor markets. There is the question of resources. Are there ever enough and are they always marshaled most effectively?

As to each agency and component of an agency covered by this program, it is a different question with a different answer. I suppose we would have to take aim at different levels to come up with meaningful figures for goals on the one hand and a way to make managers account for achieving those goals on the other.

So to these ends EEOC must act not only as both mentor and monitor but as prodder and policeman, and when it comes to our Federal colleagues perhaps a policeman with only a badge and maybe without a night stick. We are not certain about that yet.

As I said, it is not yet a problem and in these efforts we are grateful for your support. We need it and we need the support of your subcommittee and of this institution.

Thank you very much.

[The prepared statement of Daniel E. Leach follows:]

Prepared Statement of Daniel E. Leach, Vice Chairman, U.S. Equal Employment Opportunity Commission

I am pleased to appear today on behalf of the Equal Employment Opportunity Commission. The Chair of the Commission, Eleanor Holmes Norton, regrets very much being unable to appear. She is away from the city. It will be my purpose, in her absence, to bring you up to date concerning the implementation of reforms mandated by President Carter's Reorganization Plan No. 1 of 1978, and by the Civil Service Reform Act, Public Law 95-454. These reforms arose, in part, because of this subcommittee's persistent efforts and concern. Accordingly, we are especially pleased to appear here and appreciate deeply your continuing support.

I intend to summarize briefly the actions initiated under Reorganization Plan No. 1 and the Civil Service Reform Act. Over time, I believe efforts in this regard will transform federal agency affirmative action into a showcase for the nation. In addition, I will update reports concerning EEOC's new Office of Review and Appeals and the experience gained under the Pilot Program concerning individual federal sector complaints of discrimination.

In this discussion it should be emphasized as well that the Civil Service Reform Act is a measure of great importance because of its potential to redress equal employment opportunity deficiencies as found by Congress in the federal sector. The Act affirms the federal commitment to a workforce that reflects the nation's diversity. Equal employment opportunity is listed among the very first of the merit principles enumerated. Accountability is assured with adherence to equal employment opportunity and affirmative action goals incorporated as a performance assessment factor for senior management. The Act makes EEO planning an integral aspect in the development of all merit selection policies and procedures. To achieve it, alternative employment practices are mandated and where alternatives cannot be found, compensating steps, such as recruitment and employee training, must be undertaken.

Section 310 of the Reform Act, 5 U.S.C. 7201, requires affirmative recruitment of underrepresented minorities and women through establishment of the Federal Equal Opportunity Recruitment Program (FEORP). This program, administered by the Office of Personnel Management, is designed to insure that minorities and women are adequately represented in applicant pools used by selecting officials to fill federal jobs. Agencies are required to undertake special recruitment efforts whenever underrepresentation is found to exist in specific occupations or grade levels. But FEORP is not simply a recruitment program. Congress clearly intended that its application would result not only in creating applicant pools of substantial numbers of women and minorities, but also in increased hiring of those classes of people previously excluded from federal sector jobs. In this regard, the twin purposes and administration of FEORP and federal sector affirmative action as required under Section 717 of the Civil Rights Act are to be harmonized.

EEOC was given responsibility for developing guidelines used by OPM in establishing FEORP's implementing regulations. We issued those guidelines, including underrepresentation statistics, on December 12, 1978. Since that time, we have worked closely with OPM to coordinate policy and avoid duplication. We believe that these coordinated efforts are a major first step in providing a cohesive and rational federal affirmative action process.

You will recall that at the time Congress was considering civil service reforms, the President submitted Reorganization Plan No. 1, which among other things, transferred to EEOC section 717 authority over federal agencies. The President recognized that enforcement of section 717 by the old Civil Service Commission in his words had "in the past been lethargic." The President believed that federal sector enforcement should be brought into line with that in the private sector, and that the EEOC was the expert body which should and—importantly—could assume this task. President Carter's directive to the EEOC provided the guidance as to how best to meet these new responsibilities. He stressed that EEOC enforcement should insure that: (1) Federal employees have the same rights and remedies as those in the private sector and in state and local government; (2) federal agencies meet the same standards as are required of other employers; and (3) potential conflicts between an agency's equal employment opportunity and personnel management functions [should be] minimized.

Finally, in light of the then pending civil service reorganization, the President noted that he would "direct the EEOC and the CSC to coordinate their procedures to prevent any duplication of overlap."

The affirmative action program developed by the EEOC is, in large measure, responsive to these special concerns of the President and to those of the Congress as well. Years of uncoordinated and underfunded administration had rendered the section 717 program a largely paper process with little or no emphasis on uniformity, technical quality or achievement. Mr. Chairman, this fact is underscored emphatically by the report of your subcommittee staff entitled, "Comparison of Employment Trends for Women and Minorities in forty-five Selected Federal Agencies 1976–1979." To rectify the condition you identify, EEOC designated fiscal year 1979–80—the first year it gained authority—as a transition period during which time the methodology and technical capacity would be developed and implanted in each agency to replace the legacy of the past. In March, 1979, agencies were required to submit modified accomplishment reports, based on their earlier submissions to the old Civil Service Commission. Relying on these reports as a way of ascertaining programmatic inadequacies, EEOC developed its own section 717 guidelines, promulgated in August, 1979, with instructions to federal agencies transmitted by way of a Management Directive on December 12, 1979. Concurrently, EEOC on its own imposed similar federal recruitment planning obligations for handicapped individuals under Section 501 of the Rehabilitation Act.

For the first time, federal agencies were required to engage in a comprehensive process of analysis which integrated management, budget, and personnel considerations with EEO principles. EEOC directed agencies to develop specific and realistic annual goals for severely underrepresented, highly populous mainstream occupations. In addition, agencies were required to utilize existing flexibilities in federal hiring, staffing and training regulations to buttress affirmative action objectives.

Specifically, the 717 instructions established a two-phase transition program. In Phase I, ending in February, 1980, agencies were required to concentrate on targeting and recruitment. In line with FEORP's goals, agencies were directed and encouraged to apply their ingenuity to the task of developing creative techniques for increasing applicant pools that will lead to the employment of women and minorities. Finally, we told agencies to analyze their various selection devices to determine whether any had an adverse impact on women and minorities—a requirement, I might add, which we have long imposed in the private sector. Phase II builds upon the groundwork laid in Phase I. Agencies are to select additional targets, while continuing to meet the goals established under Phase I. And agencies must assume the responsibility of evaluating and monitoring their programs for effectiveness. This is not to suggest that the EEOC will abrogate any of its own responsibilities in this regard. To the contrary, we are vigorously exercising our oversight and monitoring obligations. But we believe, as well, that if voluntary affirmative action is to work in the federal sector, individual agencies must become the real affirmative actors.

The experience of this transition year has been of enormous significance in terms of learning and assessing for the Commission and for the entire federal sector. I cannot overstate how ambitious and complex it has been to initiate aggressive affirmative action planning for nearly the entire federal sector. We confront a workforce of over three million people, dispersed nationwide in a diversity of facilities and employed in a wide range of occupations. We identified about 300 separate entities, agencies and departments or divisions within agencies, obligated to submit separate affirmative action plans. For purposes of accountability, we are identifying the lines of authority and chains of command.

For this universe, it was for the Commission to develop guidelines that would move the leviathon out of its historical lethargy, as your subcommittee report documents, towards meaningful achievement. To do so, it immediately became apparent that multi-year planning was the only approach; the only rational means of grappling with a task of this enormity. The approach ensures two lasting imperatives:

First, agencies can annually target specific objectives on a priority basis, allowing them to devote time and resources in ways that achieve gains which are durable; both lasting and comprehensive. Each year's objectives can be achieved, and subsequent years can build upon the previous year's gains.

Second, the incremental approach allows the Commission to fashion standards that are general enough so to apply to the entire federal sector, yet specific enough to generate results. Each year's experience will bring increased insight and sophistication to assure more refined and penetrating objectives.

The Commission was determined that its efforts in this area would not be merely another paper shuffling exercise leading to yet another failure of government to respond to the mandate of equal opportunity. The objectives had to be realistic and manageable within the context of federal experience: On the one hand was the government's almost total ignorance of, and even resistance to, meaningful EEO programs. Some degree of simplicity by virtue of established priorities was essential so that objectives were truly obtainable and so there could be few excuses for failure. On the other hand, was the question of the Commission's capacity to actually monitor, and thereby hold accountable, agencies' performance. Less realistic plans would have inundated us with 5 years of paper-reading rather than the monitoring and assistance to which we are committed.

It bears repeating that the Transition Year has focused on methodology and technology as the only way to shift the government's burden from mere concept and planning to actual implementation. To be sure, some agencies had on their own developed the skills with highly professional EEO personnel planners. Too often, however, we found that federal agencies had no basic tools, knew little of workforce utilization, the application of uniform selection guidelines, goal setting processes, data systems and otherwise lacked the technical expertise. We have moved far to fill this vacuum. Once agencies understand the methodology, greater demands will be placed upon them. During this interim period, however, the goal setting process has been useful; goals were designed to serve several purposes:

1. They had to be of enough substance to actually begin to remedy the underrepresentation.

2. They had to be easily manageable so as not to distract agencies from learning the technology of affirmative action.

3. They had to be easily obtainable so that any reasons for failure could be readily identified.

The experience has also helped identify special concerns which will require ongoing attention. For example, in concert with OPM we are developing procedural selection alternatives to eliminate adverse impact and other impediments to equal employment opportunity. Job and promotion barriers and similarly being identified along with new or expanded upward mobility programs. There is also the matter of providing assistance to agencies to help identify and, if necessary, consolidate their components for purposes of plan preparation.

On July 1, 1980, EEOC issued interim instructions to federal agencies for reporting their affirmative action accomplishments for FY 1980. Those reports are due on November 1, and will cover all efforts to meet goals and timetables, successes, failures and whatever else. Final agency accomplishments reports will be submitted March 31, 1981. A comprehensive assessment of agency progress will be made, with the findings reported by the Commission.

Looking toward the future, EEOC has established a task force to develop multi-year affirmative action guidelines for federal agencies. The guidelines will be released this fall, in ample time for agency submission by April 1, 1981. It must be emphasized again that we are in transition. The experience gained now is serving to guide us in shaping the structure of multi-year planning. And that is where the payoff must come; it must translate concept and technique into operation and result.

To that end, EEOC is looking to a three to five-year planning cycle, which will eliminate the necessity of an annual plan submission and build in time for agency program restructuring and implementation. We will continue to support and develop the FEORP linkage, requiring interim reports for monitoring and tracking goal achievements. In FY 1981, we will explore the use of computer technology to reduce paperwork, and to systematize affirmative action activities for program effectiveness and cohesiveness. As the program evolves, agencies will be required to conduct more extensive workforce and utilization analyses and establish more rigorous annual and long-range goals to the end that the federal workplace will truly be representative and that the greatest opportunities will be afforded to all.

Some of the difficulties have been raised. Others have emerged and perhaps relate to our performance to date. First, the statute does not unequivocally define the scope of authority to compel production and implementation of plans under peril of any sanction. This matter is under review. Second, we have been rewriting the original CSC regulations. That needs to be done. Most importantly, perhaps, many segments of the federal sector were simply unfamiliar with the concepts embodied in our more detailed and substantive regulations and instructions. Thus, familiarizing agencies with day to day Title VII issues has been a matter of high priority.

Yet despite the problems, agencies in substantial numbers have submitted plans pursuant to the instructions. Of the 300 or so agencies and agency components subject to section 717, nearly 70 percent have made submissions. We are concerned about the remaining 30 percent but agree that technical problems which I have discussed account for most delays. Hopefully, most remaining plans will be submitted within a matter of days or weeks.

A word should be said about how EEOC has addressed its responsibilities under the Rehabilitation Act. Here too, agencies are obliged to submit affirmative action

pages tightly bound

plans. This is the first time agencies have had to consider goals and timetables in this highly important and often neglected area. The objective this year is to develop management mechanisms by which a goals oriented program can be established. The ultimate goal is to integrate the 501 program with the 717 program. In seeking that end we are keeping in mind some distinct differences that relate to Handicap issues that dictate segregating these approaches, at least for the time being. Generally, however, most agencies are making a good faith effort to be responsive to the requirements of 501.

In addition to affirmative action which is the focus of your subcommittee report, EEOC has other responsibilities in the federal sector. As you know, for example, a Task Force was established to examine the process inherited for resolving federal sector charges. In part, that process is being looked at from the standpoint of our successful experience with regard to individual cases in the private sector. In July of 1979, the Commission decided to establish a Pilot Program for the investigation of federal sector complaints. On this matter, we have engaged as well in an on-going process of consultation with agencies, employee organizations and civil rights groups.

Investigations under the Pilot Program are characterized by an early and open sharing of information along with face-to-face discussions between the parties and the encouragement of voluntary resolutions which, of course, is the basic thrust of Title VII. Most significantly, the Pilot Program provides an independent, initial investigation by EEOC rather than a self-investigation conducted by the agency charged, which has generally characterized the federal complaints program since its inception. For obvious reasons, it is essential that independence be provided in the entire federal sector if charge processing is to have any credibility. Some of our limited experience to date seems to bear that out. It would appear that federal workers and applicants for jobs are exhibiting renewed faith in sharp contrast to the "fox in the chicken coop" image that has always enshrouded this effort. We see it ourselves with agencies even now refusing to provide the Commission with relevant evidence central to an investigation. EEOC's authority on this issue is being examined to determine whether the power to compel cooperation and production needs to be buttressed.

As indicated, the results of the Pilot Program to date have been most encouraging. As of August 5, the Commission received nearly 400 charges. While the figure represents about 4 percent or 5 percent of the total federal charges filed in a given year, it has enough statistical significance. It represents a sample geographically valid and containing the spectrum of issues of both procedure and substance with which we must deal. 217 of the matters have been processed to closure. Of these, 43.8 percent were resolved with benefits; 4.1 percent produced recommended findings of discrimination; 24 percent produced recommended findings of no discrimination. This compares with the following figures based upon a sample of charges processed under the long-standing federal procedures; 22.8 percent closed with benefits; 4.7 percent closed with a recommended finding; 45 percent were dismissed with a recommended finding of no discrimination.

Under the Pilot Program it took about 100 days to process a case on the average. This compares with the nearly 440 days it takes to process each case on the average under the long-standing procedures. The figures demonstrate that our new procedures, when implemented, will cut the federal complaint processing time by more than two-thirds while rendering greater service and greater benefits to complainants.

In sum, the procedures used in the Pilot Program have shown a dramatic potential to improve processing federal sector complaints, as was contemplated by the Civil Service Reform Act. To spell it out, an interim report on this experience is now being finalized and will be submitted as soon as possible. What it demonstrates is that the poor record of delay, unprofessional investigations and even conflicts of interest in agency-conducted investigations is inherent in a system that incorrectly assumes that agencies with other missions could be expected to conduct professional, objective and technically proficient investigations of their own action. We would not tolerate this system in the private sector. That it eroded employee confidence and seriously affected rights of those relying on it is unquestioned. An application of Pilot Program procedures government-wide, after amendments to appropriate regulations, will occur in fiscal year 1981.

Indeed, it has been because of the success of the Pilot Program that the House has approved a budget request that will allow EEOC to begin to take charge of the investigative system for federal EEO complaints. While this mandate was an essential element of the Reform Act, budget authority for it was not included. OMB's initial request on our behalf was the result of an analysis of the requirements of the Reform Act and of the performance of the EEOC Pilot Program.

It has been with regard to hearings on federal complaints that we have also seen some enhancement in the reliance on governmental processes by federal workers. As you know, EEOC obtained the responsibility for conducting all hearings that arose in the federal complaint process. Since then, there has been a sharp increase in hearing requests as compared with prior experience. As of July 31, of this year, the Commission had received 74 percent more requests for hearings than were received in fiscal year 1978. The percentage rates in types of findings is also dramatically different: In fiscal year 1978, before the transfer, recommendations for findings of discrimination occurred in only 7 percent of the decisions. In fiscal year 1980, the EEOC made such recommendations in 38 percent of its decisions; 5½ times more than the old rate.

Timeliness, and efficiency were the cornerstones of the Civil Service Reform Act as constructed by Congress. We have endeavored to apply that standard to investigations and hearings. It has similary embraced the review and appeals function we also inherited. All appeals from agency decisions in federal title VII cases are now processed directly by EEOC. We have thus begun to eliminate inconsistencies in the interpretation of Title VII as it affects federal workers as distinguished from others; and to introduce efficiencies that have shortened the time of an appeal. This authority did not come to us unencumbered. There as a backlog of cases and it has been to eliminate that backlog that we have focused primary attention. EEOC received approximately 1,850 cases in this backlog. We established a special unit to ensure that these cases received appropriate attention and, as of today, we have completed proposed decisions for all 1,850 cases. 350 of those are still being clerically processed.

There has been some difficulty with respect to current cases. We acknowledge it. This is due largely to an increase in requests for appeals which are currently being received at a rate of 55 percent above last year. This increase in taking an administrative appeal, in lieu of taking the case to court, again demonstrates renewed faith in government's ability ultimately to render fair judgments in EEO matters. While we have suffered a resource lag here and elsewhere, as you know additional program funds for this function were included in the agency's fiscal year 1981 budget request.

Returning, finally, to the question if a macro-profile for the federal workplace and what is or is not being done about it, let me say that few people not actually involved in this project can appreciate the scale of the endeavor contemplated. Our call for multi-year planning with rigorous goals and time frames will not be answered by the legacy of lip service unchallenged in the past. Nor is this simply a matter of setting up an EEO office, assigning a few staff and recognizing the obvious—that government as employer has used screens and filters to keep certain types of people out, and has devoted too little effort to bring in the previously excluded. This is superficial. In the little time alloted to us so far what we see are practices that are deeply embedded, and policies that continue to engender discrimination.

The multi-year plans will compel agencies to examine almost every facet of their administration. Identifying underrepresentation is only the first hurdle. For many agencies, it will be a significant one. There are inadequate informations systems. Insufficient training programs. Agencies will have to identify adverse policies and practices, perhaps unarticulated, that are enmeshed with the spectrum of processes affecting job and promotion opportunites. And always, there is the question of resources. Is there ever enough? As to each agency it is different. And there will be different levels at which to aim: to come up with meaningful figures for goal setting while assuring managerial accountability for reasonably timed results. And to these ends EEOC must act not only as both mentor and monitor, but as prodder and policeman. And, when it comes to our federal colleagues, perhaps a policeman with only a badge and without a nightstick. In these efforts, therefore, we welcome your help and that of your subcommittee. We need it.

Mr. HAWKINS. Thank you. The next panelist is Mr. Jule Sugarman. May the Chair announce that all of the written statements as submitted to the committee will be printed in the record in their entirety so that the panelists do not need to give verbatim testimony as such, but only the highlights from the statements.

Mr. Sugarman, we are delighted to have you with us today.

STATEMENT OF JULE SUGARMAN, DEPUTY DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT

Mr. **Sugarman**. I am pleased to have this opportunity to review with this committee the progress in Federal employment. I will not repeat the material in my statement but merely supplement it with additional comments. I think it might be useful for the committee to have some understanding of the overall figures involved in Federal employment.

Here we talk basically about Federal employment other than the Postal Service Corporation which has independent authority and the other Government corporations, so we are talking roughly in the order of 2.3 million people. We fill in the Federal Government about 500,000 jobs each year but 400,000 of those are filled by internal promotions, reassignments and transfers, as one would expect in a career system, and only slightly over 100,000, actually about 122,000, are filled through examinations and registers.

As a result of this career system, that changing the overall composition of the work force is by its nature a long-term proposition. For example, if we were filling jobs right now and in future years in accordance with the proportions of population, each segment of the population in the work force, it would be approximately 15 years before we would really achieve distribution in the work force equal to the current labor force.

That is because of the years of historic discrimination which we have a long way to go to overcome. It is my contention in the testimony that we are indeed making some progress toward that goal and that in most of the categories that one examines, if you look at both promotions and at new hires, there is visible progress.

Let me just illustrate that with some specifics. I know that one of the concerns that Ms. Schroeder has had in her capacity as member of the Post Office and Civil Service Committee is whether the new senior executive service would be an "old boys club" with the same kind of people as we have had in the past.

Well, that service is about a year and a half old now. At the time it began, women were 3.9 percent of the senior executive service. They are now 6 percent. That does not sound like a terribly large gain but what it actually means is that women were hired at about 10 percent of the rate of the people hired during that interval.

With respect to minorities, it was 5.1 percent before the beginning of SES and now it is 6.4 percent and that gain reflects a much higher hiring rate. Of the 6.4 percent, 4.4 percent are black, 0.8 percent are Hispanic and 0.6 percent are Asian Americans and 0.5 percent are American Indians.

I might observe that in this and in many of our programs our progress with respect to Hispanic hiring, I think, is behind progress with respect to black hiring and women hiring.

The Presidential management intern program, which is a very carefully structured program based upon graduation from a school of public management and extensive interviews, has an excellent record with regard to women and minority hiring.

The figures are 54 percent women hired into the management intern program this year and 17 percent minority, of which 13 percent were black, 3 percent Hispanic, and 1.5 percent Asian Americans.

You have to look at all of these figures against the labor market figures and the official figures which we use: blacks representing 10.1 percent of the labor market; and Hispanics representing 4.8 percent, which will go up sharply when we include the data from Puerto Rico and that will take it up to 5.6 percent.

If the committee would look at the charts that are up here, we tried to take a look at what is happening to new hires of minorities in white collar jobs. These are jobs generally at the grade 5 or higher level and do not include the clerical jobs.

In 1976, 15.3 percent of people hired were minorities. That would compare to about 18 percent as the percentage of the labor force for all minorities. That figure went up in 1977 to 18.7 percent and stayed about level in 1978 at 18.5 and then in 1979 took a significant jump to 23.6 percent. That is again compared to 18 percent of the labor force.

So there clearly is some progress occurring with respect to minorities in these white collar jobs.

If we could turn to the next chart here, this chart shows the percentages for women. Generally we consider that women represent about 40 percent of the labor force, although that figure is changing rapidly and I think when we have our 1980 census data you will probably see it closer to 50 percent. These again are the white collar jobs.

In 1976 we had 52 percent and it has risen steadily to where we have 61.3 percent in 1979.

Mr. **Hawkins**. Do you have those broken down as to grade levels?

Mr. **Sugarman**. Yes, I think this next chart may help on that, Mr. Chairman. This reflects the higher grade levels. In the first set of charts or columns on the left there is the new hire rates for grades 9 to 11. This is for minorities now.

Now, in 1979 they represented 14.7 percent of the new hires, again against an 18-percent target figure. At the grade 12 and 13 levels they represent 12.1 percent of new hires, the yellow column there, and at the 14–15 level they represent 10.6 percent, and in the super grade level they represented 13.6 percent.

I might say, Mr. Chairman and members of the committee, that these figures are really new. The hiring rates at these higher grade levels are something that you have not seen in the earlier years of the affirmative action program.

I think they reflect a series of changes that have been taking place and a continuing emphasis from the President, from OMB and EEOC and I might say also from the military leadership which I have found very helpful in this respect. They have done a fine job in my view of trying to bring emphasis and support to real consideration for women and minorities at the higher grade levels.

If we look at the next chart we will see that same picture with respect to women. Again the 1979 figures in new hires at GS–9 and GS–11, they are nearly 34 percent new hires of women. In the GS–12 to 13, nearly 20 percent of the new hires were women and in GS–14 and 15, about 15 percent and in GS–16 to 18 about 11 percent.

I might say that the GS–9 to 11 group is of course your feeder group for the higher level positions, and to the extent that that situation improves for both women and minorities, we have the opportunities in future years to see even further progress.

Ms. SCHROEDER. May I ask a question? On the SES hires, how many of those are permanent and how many of those are the 10-percent noncareer?

Mr. SUGARMAN. I do not have that broken down but I would be happy to supply that for the record.

Ms. SCHROEDER. We have had information given to us that showed that the improvements in minority representation in SES were concentrated in the noncareer 10-percent slots.

Mr. SUGARMAN. I would doubt that because 90 percent of the jobs are filled as you indicated on a career basis in SES, but I will be glad to supply that for the record.

Ms. SCHROEDER. I think that might be helpful.

Mr. HAWKINS. Would you supply that for the record because it does make a significant difference. Sometimes these statistics can be most misleading even when we get them. We have been trying for 6 months to get the information so when we get it we would like for it to be as meaningful as possible. If you will submit that for the record, it would be very helpful.

[The information referred to above follows:]

FEMALE AND MINORITY REPRESENTATION IN SENIOR EXECUTIVE SERVICE

Appointment	Total	Women	Percent	Total minorities	Percent
As of July 13, 1979:					
Career	6,318	259	4.1	315	5.0
Noncareer	489	79	16.0	51	10.4
Limited emergency					
Limited term	29	3	10.3		
Total	6,836	340	5.0	366	5.4
As of June 30, 1980:					
Career	6,306	309	4.9	360	6.0
Noncareer	575	108	18.8	66	13.3
Limited emergency	15	1	6.7		
Limited term	46	5	10.9	1	2.6
Total	6,942	423	6.1	427	6.5

Source: Executive Personnel and Management Development, Quarterly Report, OPM.

Mr. SUGARMAN. It is true as Ms. Schroeder is suggesting, where you have noncareer type of appointments, whether they be Presidential or schedule C or something of that order, the record is better in terms of hiring women and minorities.

If you look at the Presidential appointments, they are about 50 percent higher in these terms than we have in the Civil Service System.

Now let me turn to some questions that Ms. Schroeder and others have raised about the operation of the program.

As Mr. Leach testified, this is a joint effort with EEOC and the Office of Personnel Management. They provided the guidance to us under which our regulations were developed and they reviewed our regulations themselves. That has been a time consuming, but I think effective relationship and we have pretty good agreement on it.

Basically what we call for is agencies to prepare their programs and to maintain them for inspection at the site. We do that through our regular audits by the agency compliance and evaluation staff. In addition, we have asked some 30 agencies to submit their FEORP plans to us for review. Those plans are now coming in.

They include a large number of those that were in the 45-agency sample and include the largest agencies of the Government. Those plans are coming in to us. We will review them but the real action in this business has to be at the hiring level. We will use those reviews as clues to where we need to go for further inspection. Most agencies, we believe, now have completed the first year of their programs.

It has also been submitted to EEOC, but my understanding is that EEOC is not conducting a separate review other than the one that we conduct. We think there is increasing understanding among the agencies on the relationship between the affirmative action plans required by EEOC and the FEORP plan required by us.

Let me emphasize that FEORP is essentially and solely a recruiting plan. It does not give us any additional authority in the examining field and we still feel somewhat limited in the tools that we have. Nevertheless, we make some very important changes and I would like to use the social security system as an example of this.

Let me say that the initiative here was strongly with the Social Security Administration but it has been an effective working partnership with us. Last year we agreed with the Social Security Administration to abandon PACE for hiring of social security claims adjudicators and for them to devise a new examination that would not have a written examination as a component.

The new examination is based on an evaluation of experience and education and an evaluation of a personal interview, both group and individual. The Social Security Administration has just communicated to us the results of that examination in which some 70,000 people applied and have indicated to us the data I have here, based on a letter which I sent to Congressman Roybal which relates to Hispanics but it would be similar with respect to blacks and women as well.

What they show is that in every single region of the country, the numbers and the proportions of Hispanics with high scores, that is 96 or better, are far in excess of the labor force participation of Hispanics in that area. In New England, for example, 3 percent of the high scores are Hispanic compared to 1.1 percent in the labor force.

The Eastern region which would include New York City has 23.2 percent high scoring as compared to 5.1 percent of the labor force. The Southwestern region has 24.4 percent high scoring as compared to 2.5 percent

I would be glad to supply that whole table for the committee but basically it shows that when you couple FEORP targeted recruiting with an alternate examining system, you can achieve results. Interestingly enough, doing that also resulted in some 52 percent of the top scoring individuals having some form of Veterans' preference. That is 5 points or 10 points veterans' preference so it has not been injurious to the cause of veterans to use that alternative examining system, and 40.8 percent of the top scores were women.

[The table referred to above follows:]

COMPARISON OF MINORITY REPRESENTATION: CIVILIAN LABOR FORCE VS. CRESS

July 23, 1980

% Represented In Work Force (1) / % Represented In CRESS (2)		RACE/ETHNICITY					
	FEMALE	WHITE	BLACK	HISPANIC	ASIAN/ PACIFIC	AMERICAN INDIAN	OTHER/ UNKNOWN (3)
BOSTON	39.7 / 35.5	95.3 / 74.6	2.8 / 9.0	1.1 / 3.0	0.3 / 0.0	0.0 / 1.1	12.4
NEW YORK	38.4 / 30.7	83.9 / 56.0	10 / 9.3	5.1 / 23.2	0.8 / 0.6	0.1 / 0.4	10.6
PHILA.	38.1 / 43.5	85.8 / 59.0	13.2 / 31.3	0.6 / 2.0	.3 / 0.1	0.0 / 0.3	7.5
ATLANTA	51.8 / 42.7	79.4 / 59.0	18.4 / 29.3	1.2 / 1.5	0.0 / 0.1	0.1 / 0.3	11.4
CHICAGO	37.0 / 44.6	90.2 / 65.1	7.9 / 21.6	1.4 / 4.0	0.3 / 0.9	0.1 / 0.9	7.7
DALLAS	37.0 / 31.2	76.0 / 48.5	12.6 / 17.6	10.5 / 24.4	0.1 / 0.0	0.6 / 1.0	8.5
KANSAS CITY	36.7 / 46.1	91.4 / 66.2	5.0 / 20.1	0.9 / 2.9	0.1 / 1.0	0.1 / 1.5	8.3
DENVER	36.6 / 33.2	92.0 / 72.5	12.0 / 6.6	5.3 / 7.6	0.4 / 1.4	0.9 / 1.4	10.5
SAN FRAN.	38.0 / 49.3	75.9 / 49.2	5.5 / 19.0	1.3 / 13.0	4.7 / 6.5	0.4 / 1.0	11.3
SEATTLE	33.6 / 37.6	95.0 / 67.1	1.4 / 8.7	1.7 / 5.4	1.1 / 6.5	0.9 / 0.7	13.5

(1) Data is for the experienced civilian labor force only. In 1970, the experienced civilian labor force was 99.7 percent of the total civilian labor force. Data from OPM guidance on the Federal Equal Opportunity Recruitment Program(FEORP).

(2) Data is for candidates, with a final score of 96 or better, on the CRESS register.

(3) For CRESS only. No similar category was reported for FEORP data.

Mr. Sugarman. So it appears reasonable that they will have a high rate of selection here. As the committee may know, we have forbidden agencies to use the PACE exam for promotional purposes in the future. We are in court now as to the question of any use of the PACE exam as well as attempting to reach an understanding with the plaintiffs in a suit brought jointly by the Inc. Fund and Mexican American Legal Defense Fund.

The bottom line to the committee is that we believe that progress has been made in the last 3 years. We are still far short of where this Nation ought to be in terms of the Civil Service Reform Act and in terms of our general intentions and policies.

We believe that there must be continued attention, and I think these oversight hearings are helpful to that continued attention, as to whether agencies continue to do these things.

There are problems on the horizon. For example, the enrollments of blacks in the graduate institutions is declining as a proportion of the total, due to economic circumstances primarily, and that will dry up the supply that has been very useful to us.

The strong entry of women into the labor force will produce increased competition generally and, of course, the economic situation will produce higher levels of competition.

Nevertheless, it seems to me that with the support of the committee and with the ability to maintain in place what we have started, there is a reasonable prospect for continuing success.

I want to alert the committee to some complaints you are likely to hear about what we are doing. One is that it is an expensive process. The social security exam costs a lot of money. It has resulted in hiring, or will result in the hiring, of excellent people and will certainly, as our figures indicate, improve the situation for women and minorities.

But it is an expensive process, as is all delegated examining. You will also hear from people that they have to apply at more than one place now in order to get a job. For most jobs above the entrance level, you have to file an individual application with the agency you want to work for.

That also is true, but it is producing a higher number of people who are actually selected and producing a better distribution of women and minorities. There are some tradeoffs involved here that everyone needs to be aware of.

You will hear from some people that the delegation and use of agency personnel to do examining will politicize the system. I categorically reject that charge because I think the system is being well policed by us and by the Merit System Protection Board. I think we have no evidence whatsoever of politicization because of delegation.

That concludes my statement, Mr. Chairman, and I would be happy to respond to any questions.

[The prepared statement of Jule M. Sugarman follows:]

PREPARED STATEMENT OF JULE M. SUGARMAN, DEPUTY DIRECTOR, OFFICE OF PERSONNEL MANAGEMENT

Chairman Hawkins and distinguished members of the subcommittee: I appreciate the opportunity to discuss with you this morning the efforts the Office of Personnel Management has initiated to promote equal opportunity in Federal employment. My remarks cover the period since November of 1976 which is the same general coverage as the Subcommittee's employment trend report in 45 selected Federal agencies. During this time there have been major organizational, legislative, policy, and procedural changes affecting the Civil Service Commission and now the Office of Personnel Management. One significant development has been the Federal Equal Opportunity Recruitment Program (FEORP), which was established to implement the amendment to the Civil Service Reform Act sponsored by Congressman Garcia. FEORP has really caught the attention of Federal managers and the Federal personnel community. Along with merit pay, it is the program on which I am questioned most frequently in my visits throughout the country. Representative Garcia has made an important contribution to the Government's effort to improve opportunities for minorities and women.

Before proceeding further, let me share with you some data on the progress that has been made these past several years as a result of other affirmative action programs. While our data covers more than just the 45 selected agencies shown in your report, it shows similar trends. As you would expect, the year end changes in the Federal Government work force are small. This reflects its career nature and the fact that turnover in the higher grades is limited. However, the changes reflected in actions during each year are dramatic. The trends in the representation of minorities and women show steady increases despite virtually unchanged total employment levels. For example, in November 1976, minorities—Blacks, Hispanics, Native Americans, and Asian Americans—constituted 17.7 percent of Federal white collar employment. In the ensuing 3 years, minorities represented 20.1 percent of white collar new hires. Consequently, by November 1978, total proportions had increased to 18.8 percent and by 1979, minority representation was at 19.9 percent. Representation of women showed similar gains. Women accounted overall for 57.3 percent of new hires and representation increased from 42.6 percent in 1976 to 43.6 percent in 1978 and 44.3 percent in 1979. A small part of the increase for 1979 reflects the inclusion of data on Federal employment in Puerto Rico.

The statistics show that these gains were not concentrated in the lower pay levels. For example, we are particularly encouraged by the increases for both minorities and women at the GS-9 to GS-11 levels, where representation of women grew from 26 percent in 1976 to 31.2 percent in 1979, and minority representation went from 12.9 percent in 1976 to 15.4 percent in 1979. Employees at these levels tend to move up to jobs at higher grades in the career civil service, so these changes represent a good sign for the future.

Increases are also occurring at the higher levels, though the percentages are much smaller. At executive levels, GS-16 through GS-18 and Senior Executive Service, employment of women has more than doubled while minority employment has increased about 50 percent.

Data on the progress made by each minority group is attached as an Appendix to the written testimony I have submitted to the Subcommittee.

Again, while these changes may appear to be small, they must be viewed in light of the fact that Federal employment during the period remained at essentially the same level.

It is enlightening to look at the dynamics of minority and female employment over this time period. As I noted, over the 3-year period from November 1976 to November 1979, minorities were appointed to 21.0 percent, and women to 57.3 percent, of all white-collar vacancies. During 1979, however, there were sizable increases in the percentages of new hires of minorities and women. For women, the change was from 54.5 percent in 1977 to 61.3 percent in 1979. The increase for minorities went from about 18.5 percent in 1977 to 23.6 percent in 1979.

Comparable data on separations and promotions are not available for the full three-year period. We do have some information, however, from a Government-wide study covering the period from July 1, 1977 through June 30, 1978. It shows that new hires of minorities and women in white collar occupations exceeded separations, thus resulting in net gains in employment. Also, during the study period, promotions of women exceeded their on-board representation in all categories of white collar employment. Minority promotions exceeded onboard representation in all white-collar categories except the clerical occupations.

It is against this backdrop of steady progress that I begin my remarks on FEORP and other civil service reform initiatives which should contribute to better progress in the future.

In implementing FEORP, the Office of Personnel Management has been anxious to avoid creating a paperwork exercise with little practical effect. Instead it has tried to promote a problem-solving approach. Agencies identify underrepresentation—the problems. Then they look at the severity of underrepresentation they have found and the expected hiring levels. Based on that information, they set priorities on where recruiting efforts can be most productive. They then decide on the kinds of recruiting and staffing strategies that are needed to correct the problems—that is, to reduce and eliminate underrepresentation. They implement the decisions they have made and finally they evaluate and make changes as necessary—changes that are not based solely on a superimposed cycle, but which are made when needed.

We believe that this approach is consistent with the general themes of civil service reform—particularly with regard to the Garcia amendment which is to improve opportunities for minorities and women.

While the Office of Personnel Management can change procedures and remove the barriers it controls, we believe that problems differ substantially from agency to agency—and so too, will the solutions. OPM can assist but should not dictate answers that may not work in all situations.

In our Report to Congress on FEORP implementation, submitted in January 1980, we noted our concern that progress in establishing programs on the part of the agencies had been slower than expected. We believe that this is due, at least in part, to the fact that the details of implementing programs were decisions the agencies had to make for themselves. They needed time to develop solutions. Since January, there has been improvement, and our belief that agencies can find innovative ways to address their problems in being confirmed. For example:

The Internal Revenue Service Center in Andover, Massachusetts, has successfully recruited and hired 40 Hispanics into its work force. This resulted from the development of a link between the Center and a program funded under the Comprehensive Employment and Training Act.

Several agencies have substantially increased their participation in the worker-trainee program. While this program focused on lower level jobs, it has potential for future improvement in representation at higher levels. It can provide feeder groups for entry into mainstream occupations through upward mobility and other developmental programs.

The Naval installation at China Lake, California, reports that as a result of targeted recruitment, they have been able to bring in some 40 minority and female scientists and engineers.

In addition, the Office of Personnel Management is actively assisting agencies in their FEORP programs by undertaking such efforts as:

Initiation of a major interagency program to recruit and place persons of Hispanic origin in clerical jobs in Washington, D.C. area, which has resulted in approximately 80 placements of Hispanics.

Taking a leadership role on task forces on women in law enforcement and women in science and engineering, whose work has focused on recruitment strategies for these occupational areas where severe underrepresentation of women has been found.

Establishment by our Washington Area Office of a FEORP Clearinghouse which is undertaking such projects as developing mailing lists of recruitment contacts, preparing a monthly interagency calendar on recruitment visits and establishing a library of recruitment sources.

Making as a top priority in our college relations program, recruitment contacts that are designed to support FEORP. In that regard, among other things, we promote and assist agencies in the development of cooperative education programs at all levels—2- and 4-year colleges; accredited business, trade and technical schools; and high schools which have significant minority and female enrollment.

Convened meetings with national civil rights organizations for the purpose of informing them of FEORP activities and enlisting their support.

Development of a 2-day training course on FEORP which is currently offered by our National and regional training centers.

We have also recently initiated a strategy for OPM's monitoring and evaluation of agency FEORP programs. As a result, recently we requested agency FEORP plans from the headquarters of more than 30 agencies. Among these are 27 of the 45 selected agencies in the Subcommittee's report. We are currently reviewing those plans and will share our findings with the agencies. Following plan review, Office of Personnel Management staff will conduct a number of onsite visits between now and the end of the fiscal year to: (1) assess agency program compliance with our regulations and guidance; (2) determine the nature of targeted recruitment efforts being undertaken and their effectiveness; and (3) identify areas where additional guidance may be needed by agencies.

In carrying out these monitoring and evaluation activities, we will continue to emphasize positive support and assistance with the aim of trying to improve agency programs and to share success stories with other agencies.

But this is only a part of the picture. It is my strong belief that the FEORP program, by itself, will not bring about the elimination of minority and female underrepresentation. The heart of the issue remains in the examining processes. The best of employer attitudes and the finest recruiting strategies are not likely to be fully successful without continuing experimentation with alternative forms of examining. There are financial costs to doing so, but we think they are essential to the satisfaction of constitutional rights.

As a result of civil service reform, new authorities and tools are being given to agency managers which we feel will also make an important contribution to affirmative action results. The Office of Personnel Management is willing to delegate virtually all recruiting and examining for positions at GS-9 and higher. Most positions at these levels have unique characteristics and therefore, meet the criteria established in the Civil Service Reform Act. Similarly, we are delegating below the GS-9 level where there are occupations with specific requirements that are unique to an agency and which should be met with special examining techniques.

We are well on the way toward major delegation of examining responsibilities to agencies and are urging agencies to delegate those authorities further down through their organizations.

I would like to point out to the subcommittee that there are collateral effects of delegation.

First, individuals may have to file several applications in order to be considered by different agencies. Secondly, the overall examining workload for the Government may be higher if more than one agency evaluates the same individual.

On the other hand, we are likely to develop candidates whose interests and talents are more specifically attuned to the particular agency to which they have applied. This should reduce the substantial proportion of cases in which the Office of Personnel Management certificates are returned unused, or in which agencies hire persons who rank higher in general qualifications, but who are less qualified for their specific jobs.

Both the old systems and our newer approaches suffer from a common problem. Under the principles of open competition, we are examining far more people than necessary to obtain highly qualified people. In PACE, for example, in 1979, we processed more than 137,000 applications to hire 6,300 people.

Under delegated examining authority, the Social Security Administration, with Office of Personnel Management's assistance, has developed a rating procedure which does not use a written test, as an alternative to PACE. It is called the Claims Representative Examination, Social Security (CRESS) and will be used to fill approximately 1,000 positions within a 12-month period. Final results of its first use are not yet known. The register is established and hiring is expected in the near future. However, the recruiting effort did result in large numbers of applicants from under-represented groups. Nationwide, there are 5,899 people within reach on the register. Of these, 40.8 percent are women; 17.9 percent are Black; 11.9 percent Hispanic; 1.5 percent Asian-American; and .7 percent American Indian. I believe that is because the agency controlled the entire recruiting and examining process.

This effort, and others like it, was undertaken primarily in response to the Office of Personnel Management's operating philosophy of delegation and decentralization, and I am confident that more effective affirmative action will be an important by-product.

OPM has also issued guidance on establishing managerial development programs which emphasize participation of minorities and women. These programs will serve as a major feeder source in developing candidates for Senior Executive Service jobs. We also have made substantial changes to merit promotion rules which afford agencies greater flexibility. Agency promotion programs will still need to meet five basic requirements: They must be based on merit. They must be sufficiently broad to ensure the availability of high quality candidates. They must utilize rating and evaluation methods that are consistent with Government policy for making employment decisions, including the Uniform Guidelines on Employee Selection Procedures. They must maintain management's right to select or not to select and to consider candidates from any appropriate source. They must provide for necessary recordkeeping, adequate public and employee information, and protection of individual privacy.

Certain other requirements that formerly applied to agency promotion programs were eliminated. For example, there is no longer a requirement for competition for an upgraded position that resulted from planned management action. There is no longer a stipulation that Federal employees selected from competitive registers must also be among the best qualified on internal promotion lists. And, there are no longer fixed limits on the number of best qualified candidates that may be referred to a selecting official.

All of these changes were made only after careful consideration of agency, union, and other comments. We feel the broadened authority for agency managers that they will bring about also has good potential for improvement in promotion opportunities for minorities and women.

We are also looking at ways to improve Upward Mobility programs, especially since we see upward mobility as an important element of FEORP internal recruitment efforts. The Department of the Air Force, for example, has developed among its Upward Mobility efforts, a program which we feel has great potential and which may be adaptable to many other agencies. It is called "Project Mainstream," and competition for it is limited to underdeveloped employees—those in lower-level jobs with identified potential for higher levels. Under an OPM-approved training agreement, the project provides these employees with experience and training necessary to enable them to move from dead-ended jobs into "mainstream" occupations with greater potential for advancement.

We are also moving toward extension of upward mobility concepts to higher level positions than has been the case in the past. Current program guidance limits upward mobility to grades GS-9 and below. The managerial development program, which I mentioned earlier, essentially applies upward mobility concepts to the GS-13 through GS-15 level. We will now begin to focus our attention on the mid-level grades, while maintaining all the emphasis that is needed at higher and lower levels.

We have also supported and effected a simplification of certain appointing authorities for veterans and for handicapped persons. We have taken numerous steps to promote agency use of the hiring authority for veterans with 30 percent or greater disability, provided under CSRA. We are also reviewing the Veterans Readjustment Act program because the current statutory basis for it expires on September 30, 1981, and we must soon decide on appropriate action to recommend to the Congress. Incidentally, Federal agencies report making 15,785 VRA appointments in fiscal year 1979, a 22 percent increase over the previous year.

We feel that these authorities can be used creatively in support of agency affirmative employment programs. In 1979, for example, 41 percent of VRA hires were minority group members.

We are also moving vigorously, within our resource constraints, toward the collection of data on the race, national origin, and sex of applicants for Federal jobs. These data are essential to mesure the results of agency and Office of Personnel Management recruiting efforts as well as to comply fully with the Uniform Guidelines on Employee Selection Procedures. They will permit OPM, EEOC, and the agencies to determine the number of persons from underrepresented groups who apply for employment; the number who are determined to be qualified; the number who are offered jobs and are hired; and whether the procedures used have "adverse impact" on any group.

We collected applicant data for PACE in its administration earlier this year. As OPM nationwide examinations are converted to an automated dormat, we are introducing applicant data collection immediatley into the process. In January of this year, we authorized agencies to collect data on the race, sex, and national origin of applicants for the selection procedures they control. Because of the union consultation requirements under CSRA, this authorization was limited to applicants who are not currently Federal employees. We consulted with Federal employee unions and we are about to extend the authorization to permit agencies to collect data on all applicants. With EEOC's concurrence, we also permit the use of minority identification data in agency personnel management information systems and in OPM's Central Personnel Data File to establish skills banks and referral files for use in connection with FEORP. We will soon issue instructions to OPM field offices on the collection of applicant data on regional and local exams administered by them. Finally, we have established a work group within OPM which will develop a manual on procedures for the collection and analysis of the data that are collected and will establish a plan for full implementation.

Systems for the collection of applicant data are costly, they take a considerable amount of time to implement, and they tend to be controversial. But I feel we are moving in the right direction.

In these efforts to give agencies more authority to carry out their personnel programs in ways that tend to promote affirmative action, we also emphasize accountability. Members of the Senior Executive Service have EEO afffirmative action accomplishments as an element in their performance appraisals. That, as you know, is a specific requirement of CSRA.

In addition, under OPM regulations, managers and supervisors covered under merit pay will be subject to similar review. Every manager and supervisor who has responsibility for filing jobs has a positive obligation to consider a variety of sources of applications and take other affirmative steps as needed to improve minority and female representation in their work units. Whatever can be done, within available resources and priorities, must be done. These efforts may not always be successful, but failure to make an effort clearly is unacceptable. Those who succeed should be given proper credit for doing so. For those who do not, and who do not make positive efforts, their managers will now have a stronger lever to influence future improvement because of the linkage of this performance area to merit pay.

Taken together, the philosophy, the efforts and the programs I have just described represent the kind of systemwide change we at the Office of Personnel Management believe are needed to make affirmative action work.

Before concluding my remarks, I would like to raise a couple of issues that have caused us some concern in implementing the FEORP program.

The first involves statistics. While Office of Personnel Management staff, from the outset, has tried to make clear that FEORP is a recruitment program, not a statistics program, we are concerned that the message is not being heard by the agencies. For example, we continue to hear complaints about the data base that must be used for the program. Agency concerns relate to the unrealistic expectations and unfair criticisms that are raised by use of civilian labor force data without regard to relevant labor markets. We have maintained that relevant occupational and labor market data may be considered by agencies in designing their programs, in defining their expectations, and in deciding on whether their FEORP program should include efforts to increase the supply of qualified members of underrepresented groups in the labor market. Nevertheless, civilian labor force data as provided by the OPM must be used to determine underrepresentation. That, under the law, triggers targeted recruiting efforts. It is our contention that the Garcia Amendment was never intended to confirm the status quo. We believe that the continued use of the civilian labor force as the trigger will stimulate change.

We are also concerned about the volume of reporting requirements imposed on agencies regarding their equal opportunity programs. Demands for information from the Office of Management and Budget, Equal Employment Opportunity Commission, Office of Personnel Management, members of Congress, and others, I fear are placing an undue burden on agencies at a time when they need to concentrate on implementing programs. I feel these demands on agencies must be kept to manageable proportions. We have asked the Chair of the Equal Employment Opportunity Commission to see what can be done about improving and consolidating data and reporting requirements.

Another concern agencies frequently express about FEORP is its relationship to the Equal Employment Opportunity Commission's requirements for Federal agency affirmative action plans. As I believe you are aware, FEORP was developed in close consultation with EEOC and, in fact, all final program documents were approved by the EEOC Commissioners in public meetings. FEORP and affirmative action requirements are compatible. If agencies have done a good job in developing FEORP, they will have the basis for a food affirmative action program. We continue to consult with EEOC on FEORP and numerous other issues that are of mutual interest to our agencies. I am satisfied with the working relationship that has developed between us thus far.

In closing, I must state my honest conviction that it is premature to judge the full effect of FEORP and civil service reform generally, on the elimination of minority and female underrepresentation in Federal employment. In some occupational and geographical areas, the job will not be so difficult. In many others, it will require tremendous efforts, creativity, and some patience. I think now that the direction has been set, FEORP will be a permanent feature of the Federal staffing process, a process that has undergone other substantial changes as a result of civil service reform. Federal managers cannot ignore underrepresentation. The law now says that it is public policy to strive for a work force that represents the diversity of the nation's population. It is our intention at the Office of Personnel Management to do all we can to make that goal a reality.

Attachment.

APPENDIX A-1.—FULL-TIME FEDERAL CIVILIAN EMPLOYMENT, BY MINORITY GROUP AND SEX, AND BY PAY PLAN AND GRADE, NOVEMBER 1976, 1978, 1979

	Total employees November 1976	Total employees November 1978	Total employees November 1979	Percentage change, November 1976-79
Total all pay systems	2,418,540	2,418,151	[1] 2,419,047	([2])
Total general schedule and equivalent	1,411,458	1,436,435	[2] 1,430,934	+1.4
1 to 4	294,486	280,887	272,844	−7.3

APPENDIX A-1.—FULL-TIME FEDERAL CIVILIAN EMPLOYMENT, BY MINORITY GROUP AND SEX, AND BY PAY PLAN AND GRADE, NOVEMBER 1976, 1978, 1979—Continued

	Total employees November 1976	Total employees November 1978	Total employees November 1979	Percentage change, November 1976–79
5 to 8	429,052	438,319	436,894	+1.8
9 to 11	336,105	346,331	348,293	+3.6
12 to 13	259,418	271,510	277,541	+7.0
14 to 15	85,410	92,790	95,362	+11.7
16 to 18	6,987	6,598	(6)	(7)
Executive level 1979 only [4]	(6)	(6)	8,928	(7)
Total wage systems	[5] 434,617	448,886	442,566	(7)
Total other pay systems	[5] 47,042	21,442	20,253	(7)
Total Postal Service	525,423	511,388	516,366	−1.7

[1] Includes approximately 8,500 employees in Puerto Rico, not previously covered.
[2] Less than 0.05 percent.
[3] Includes GS–1–15 only.
[4] Includes employees converted to the Senior Executive Service from GS–16–18, and other executive pay systems.
[5] November 1977 data are not comparable with November 1978 and 1979.
[6] Not applicable.
[7] Percentage change not shown. See footnotes 4 and 5.

Source: Office of Personnel Management, Central Personnel Data File, and selected non-CPDF agencies.

APPENDIX A-2.—FULL-TIME FEDERAL CIVILIAN EMPLOYMENT, BY MINORITY GROUP AND SEX, AND BY PAY PLAN AND GRADE, NOVEMBER 1976, 1978, 1979

	November 1976		November 1978		November 1979		Percentage change, Nov. 1976–79
	Total women employees	Percent women of total employees	Total women employees	Percent women of total employees	Total women employees	Percent women of total employees	
Total all pay systems	727,164	30.1	752,766	31.1	[1] 772,821	31.9	+6.3
Total general schedule and equivalent	600,999	42.6	625,974	43.6	[2] 634,286	44.3	+5.5
1 to 4	227,534	77.3	218,185	77.7	212,960	78.1	—6.4
5 to 8	259,686	60.5	272,512	62.2	276,763	63.3	+6.6
9 to 11	87,441	26.0	102,967	29.7	108,537	31.2	+24.1
12 to 13	22,236	8.6	27,270	10.0	30,586	11.0	+37.5
14 to 15	3,904	4.6	4,780	5.1	5,440	5.7	+39.3
16 to 18	198	2.8	260	3.9	(5)	(5)	(6)
Executive level 1979 only [3]	(5)	(5)	(5)	(5)	436	4.9	(6)
Total wage systems	[4] 34,649	8.0	36,082	8.0	36,472	8.2	(6)
Total other pay systems	[4] 9,916	21.1	8,834	41.2	9,956	49.2	(6)
Total Postal Service	81,600	15.5	81,876	16.0	91,671	17.8	+12.3

[1] Includes approximately 8,500 employees in Puerto Rico, not previously covered.
[2] Includes GS–1–15 only.
[3] Includes employees converted to the Senior Executive Service from GS–16–18, and other executive pay systems.
[4] November 1977 data are not comparable with November 1978 and 1979.
[5] Not applicable.
[6] Percentage change not shown. See footnotes 3 and 4.

Source: Office of Personnel Management, Central Personnel Data File, and selected non-CPDF agencies.

APPENDIX A-3.—FULL-TIME FEDERAL CIVILIAN EMPLOYMENT, BY MINORITY GROUP AND SEX, AND BY PAY PLAN AND GRADE, NOVEMBER 1976, 1978, 1979

	November 1976		November 1978		November 1979		Percentage change, Nov. 1976–79
	Total minority employees	Percent minority of total employees	Total minority employees	Percent minority of total employees	Total minority employees	Percent minority of total employees	
Total all pay systems	514,540	21.3	531,988	22.0	[1] 553,198	22.9	+7.5
Total General Schedule and equivalent	249,386	17.7	269,386	18.8	[2] 284,345	19.9	+14.0
1 to 4	83,686	28.4	84,790	30.2	87,382	32.0	+4.4
5 to 8	96,665	22.5	105,065	24.0	110,116	25.2	+13.9
9 to 11	43,248	12.9	49,420	14.3	53,768	15.4	+24.3
12 to 13	20,343	7.8	23,727	8.7	26,404	9.5	+29.8
14 to 15	5,106	6.0	6,052	6.5	6,675	7.0	+30.7
16 to 18	338	4.8	332	5.1	(5)	(5)	(5)
Executive level 1979 only [3]	(5)	(5)	(5)	(5)	512	5.7	(6)
Total wage systems	[4] 129,979	29.9	130,686	29.1	131,692	29.8	(6)
Total other pay systems	[4] 4,367	9.3	2,725	12.7	3,029	15.0	(6)
Total Postal Service	130,808	24.9	129,191	25.3	133,620	25.9	+2.1

[1] Includes approximately 8,500 employees in Puerto Rico, not previously covered.

[2] Includes GS–1–15 only.

[3] Includes employees converted to the Senior Executive Service from GS–16–18, and other executive pay systems.

[4] November 1977 data are not comparable with November 1978 and 1979.

[5] Not applicable.

[6] Percentage change not shown. See footnotes 3 and 4.

Source: Office of Personnel Management, Central Personnel Data File, and selected non-CPDF agencies.

APPENDIX A-4.—FULL-TIME FEDERAL CIVILIAN EMPLOYMENT, BY MINORITY GROUP AND SEX, AND BY PAY PLAN AND GRADE, NOVEMBER 1976, 1978, 1979

	November 1976		November 1978	Percent black of total employees	November 1979		Percentage change in Nov. 1976–79
	Total black employees	Percent black of total employees	Total black employees		Total black employees	Percent black of total employees	
Total all pay systems	384,515	15.9	394,876	16.3	[1] 402,358	16.6	+4.6
Total general schedule and equivalent	180,372	12.8	192,811	13.4	[2] 199,512	13.9	+10.6
1 to 4	62,191	21.1	62,872	22.4	64,170	23.5	+3.2
5 to 8	74,740	17.4	80,402	18.3	82,871	19.0	+10.9
9 to 11	28,102	8.4	31,527	9.1	33,096	9.5	+17.8
12 to 13	12,238	4.7	14,382	5.3	15,730	5.7	+28.6
14 to 15	2,881	3.4	3,394	3.7	3,636	3.8	+26.2
16 to 18	220	3.1	234	3.6	(5)	(5)	(5)
Executive level 1979 only [3]	(5)	(5)	(5)	(5)	360	4.0	(6)
Total wage systems	[4] 91,825	21.1	92,811	20.7	92,216	20.8	(6)
Total other pay systems	[4] 2,610	5.5	1,920	9.0	2,179	10.8	(6)
Total Postal Service	109,708	20.9	107,334	21.0	108,091	20.9	—1.5

[1] Includes approximately 8,500 employees in Puerto Rico, not previously covered.

[2] Includes GS–1–15 only.

[3] Includes employees converted to the Senior Executive Service from GS–16–18, and other executive pay systems.

[4] November 1977 data are not comparable with November 1978 and 1979.

[5] Not applicable.

[6] Percentage change not shown. See footnotes 3 and 4.

Source: Office of Personnel Management, Central Personnel Data File, and selected non-CPDF agencies.

APPENDIX A-5.—FULL-TIME FEDERAL CIVILIAN EMPLOYMENT, BY MINORITY GROUP AND SEX, AND BY PAY PLAN AND GRADE, NOVEMBER 1976, 1978, 1979

	November 1976		November 1978		November 1979		Percentage change Nov. 1976–79
	Total Hispanic employees	Percent Hispanic of total employees	Total Hispanic employees	Percent Hispanic of total employees	Total Hispanic employees	Percent Hispanic of total employees	
Total all pay systems	81,558	3.4	84,960	3.5	[1] 95,091	3.9	+16.6
Total general schedule and equivalent	36,902	2.6	41,296	2.9	[2] 47,610	3.3	+29.0
1 to 4	11,022	3.7	11,159	4.0	12,395	4.5	+12.5
5 to 8	13,187	3.1	14,891	3.4	17,031	3.9	+29.1
9 to 11	7,998	2.4	9,525	2.7	11,410	3.3	+42.7
12 to 13	3,726	1.5	4,515	1.7	5,364	1.9	+44.0
14 to 15	908	1.1	1,156	1.3	1,410	1.5	+55.3
16 to 18	60	0.9	50	0.8	(5)	(5)	(5)
Executive level 1979 only [3]	(5)	(5)	(5)	(5)	85	1.0	(6)
Total wage systems	[4] 27,763	6.4	26,653	5.9	27,980	6.3	(6)
Total other pay systems	[4] 714	1.5	443	2.1	468	2.3	(6)
Total Postal Service	16,179	3.1	16,568	3.2	18,948	3.7	+17.1

[1] Includes approximately 8,500 employees in Puerto Rico, not previously covered.

[2] Includes GS-1-15 only.

[3] Includes employees converted to the Senior Executive Service from GS-16-18, and other executive pay systems.

[4] November 1977 data are not comparable with November 1978 and 1979.

[5] Not applicable.

[6] Percentage change not shown. See footnotes 3 and 4.

Source: Office of Personnel Management, Central Personnel Data File, and selected non-CPDF agencies.

APPENDIX A-6.—FULL-TIME FEDERAL CIVILIAN EMPLOYMENT, BY MINORITY GROUP AND SEX, AND BY PAY PLAN AND GRADE, NOVEMBER 1976, 1978, 1979

	November 1976		November 1978		November 1979		Percentage change Nov. 1976–79
	Total American Indian employees	Percent American Indian of total employees	Total American Indian employees	Percent American Indian of total employees	Total American Indian employees	Percent American Indian of total employees	
Total all pay systems	23,382	1.0	25,845	1.1	[1] 27,079	1.1	+15.8
Total general schedule and equivalent	16,638	1.2	18,542	1.3	[2] 19,584	1.4	+17.7
1 to 4	8,098	2.7	8,216	2.9	8,189	3.0	+1.1
5 to 8	4,423	1.0	5,156	1.2	5,447	1.3	+23.1
9 to 11	2,628	0.8	3,420	1.0	4,016	1.1	+52.8
12 to 13	1,172	0.5	1,371	0.5	1,548	0.6	+32.1
14 to 15	300	0.3	359	0.4	384	0.4	+28.0
16 to 18	17	0.2	20	0.3	(5)	(5)	(5)
Executive level 1979 only [3]	(5)	(5)	(5)	(5)	36	0.4	(6)
Total wage systems	[4] 5,804	1.3	6,407	1.4	6,497	1.5	(6)
Total other pay systems	[4] 95	0.2	39	0.2	45	0.2	(6)
Total Postal Service	845	0.2	857	0.2	917	0.2	+8.5

[1] Includes approximately 8,500 employees in Puerto Rico, not previously covered.

[2] Includes GS-1-15 only.

[3] Includes employees converted to the Senior Executive Service from GS-16-18, and other executive pay systems.

[4] November 1977 data are not comparable with November 1978 and 1979.

[5] Not applicable.

[6] Percentage change not shown. See footnotes 3 and 4.

Source: Office of Personnel Management, Central Personnel Data File, and selected non-CPDF agencies.

APPENDIX A–7.—FULL-TIME FEDERAL CIVILIAN EMPLOYMENT, BY MINOIRTY GROUP AND SEX, AND BY PAY PLAN AND GRADE, NOVEMBER 1976, 1978, 1979

	November 1976		November 1978		November 1979		Percentage change November 1976–79
	Total Oriental employees	Percent Oriental of total employees	Total Oriental employees	Percent Oriental of total employees	Total Oriental employees	Percent Oriental of total employees	
Total all pay systems	25,085	1.0	26,307	1.1	[1]28,670	1.2	+14.3
Total general schedule and equivalent	15,474	1.1	16,737	1.2	[2]17,639	1.2	+14.0
1 to 4	2,374	0.8	2,543	0.9	2,628	1.0	+10.7
5 to 8	4,315	1.0	4,616	1.1	4,767	1.1	+10.5
9 to 11	4,520	1.3	4,948	1.4	5,246	1.5	+16.1
12 to 13	3,207	1.3	3,459	1.3	3,753	1.3	+17.0
14 to 15	1,017	1.2	1,143	1.2	1,245	1.3	+22.4
16 to 18	41	0.6	28	0.8	([5])	([5])	([5])
Executive level 1979, 1979 only [3]	([5])	([5])	([5])	([5])	31	0.3	([5])
Total wage systems	[4]4,587	1.1	4,815	1.1	4,999	1.1	([6])
Total other pay systems	[4]948	2.0	323	1.5	337	1.7	([6])
Total Postal Service	4,076	0.8	4,432	0.9	5,664	1.1	+39.0

[1] Includes approximately 8,500 employees in Puerto Rico, not previously covered.
[2] Includes GS–1 to GS–15 only.
[3] Includes employees converted to the Senior Executive Service from GS–16 to GS–18, and other executive pay systems.
[4] November 1977 data are not comparable with November 1978 and 1979.
[5] Not applicable.
[6] Percentage change not shown. See footnotes 3 and 4.

Source: Office of Personnel Management, Central Personnel Data File, and selected non-CPDF agencies.

APPENDIX B.—TOTAL NEW HIRES, BY PAY PLAN AND BY MINORITY AND SEX DESIGNATION DURING FISCAL YEARS 1977, 1978, AND 1979

	Total new hires	Percent	Total GS and equivalent	Percent	Total WG pay plan	Percent	Total other pay plans[1]	Percent
Total 1979	377,319	100.0	223,376	100.0	54,740	100.0	99,203	100.0
Total women	189,888	50.3	137,048	61.3	7,557	13.8	45,283	45.7
Total minority	96,865	25.7	52,808	23.6	17,961	32.8	26,096	26.3
Black	67,002	17.8	36,136	16.2	12,405	22.7	18,461	18.6
Hispanic	17,167	4.5	9,315	4.2	3,227	5.9	4,625	4.7
American Indian	7,020	1.9	4,127	1.9	1,543	2.8	1,350	1.4
Oriental	5,676	1.5	3,230	1.5	786	1.4	1,660	1.7
Nonminorities	259,353	68.7	155,651	69.7	34,307	62.7	69,395	69.9
Nondesignated	2,487	0.7	1,136	0.5	796	1.5	555	0.6
Unspecified	18,614	4.9	13,781	6.2	1,676	3.1	3,157	3.2
Total 1978	423,037	100.0	276,056	100.0	66,207	100.0	80,774	100.0
Total women	203,293	48.1	156,108	56.5	8,819	13.3	38,366	47.5
Total minority	96,743	22.9	50,992	18.5	19,364	29.3	26,387	32.7
Black	67,446	15.9	34,299	12.4	14,107	21.3	19,040	23.6
Hispanic	15,921	3.8	8,664	3.1	2,992	4.5	4,265	5.3
American Indian	5,698	1.3	3,285	1.2	747	1.1	1,666	2.1
Oriental	7,678	1.8	4,744	1.7	1,518	2.3	1,416	1.7
Nonminorities	301,606	71.3	209,270	75.8	43,589	65.8	48,747	60.3
Nondesignated	3,671	0.9	1,467	0.5	1,259	1.9	945	1.2
Unspecified	21,017	5.0	14,327	5.2	1,995	3.0	4,696	5.8
Total 1977	399,056	100.0	256,417	100.0	59,841	100.0	82,798	100.0
Total women	184,733	46.3	139,888	54.5	6,836	11.4	38,009	45.9

APPENDIX B.—TOTAL NEW HIRES, BY PAY PLAN AND BY MINORITY AND SEX DESIGNATION DURING FISCAL YEARS 1977, 1978, AND 1979—Continued

	Total new hires	Percent	Total GS and equivalent	Percent	Total WG pay plan	Percent	Total other pay plans[1]	Percent
Total minority	93,439	23.4	47,997	18.7	17,053	28.5	28,389	34.3
Black	64,094	16.1	31,851	12.4	11,859	19.8	20,384	24.6
Hispanic	16,157	4.1	8,452	3.3	2,835	4.7	4,870	5.9
American Indian	5,436	1.4	3,140	1.2	647	1.1	1,649	2.0
Oriental	7,752	1.9	4,554	1.8	1,712	2.9	1,486	1.8
Nonminorities	288,759	72.4	200,019	78.0	40,171	67.1	48,569	58.7
Nondesignated	3,578	0.9	1,486	0.6	1,257	2.1	835	1.0
Unspecified	13,280	3.3	6,915	2.7	1,360	2.3	5,005	6.0

[1] Includes all other white-collar and blue-collar pay and wage plans.

Source: Office of Personnel Management, Central Personnel Data File.

Mr. **Hawkins**. Thank you, Mr. Sugarman.

As soon as we hear from the final panelist, we will direct questions to the witnesses.

The next witness is Mr. Nathaniel Scurry, Assistant to the Director for Civil Rights of the Office of Management and Budget. Mr. Scurry, welcome to the committee.

STATEMENT OF NATHANIEL SCURRY, ASSISTANT TO THE DIRECTOR FOR CIVIL RIGHTS, OFFICE OF MANAGEMENT AND BUDGET

Mr. **Scurry**. Thank you. I am very pleased to appear before this subcommittee on behalf of the Office of Management and Budget to discuss its role with respect to nondiscrimination and affirmative action in Federal employment practices.

I will speak very briefly about the role of my office in this process, since my office is very new, and also respond to your request to speak about the steps we are taking to improve our situation from the affirmative action standpoint.

Upon beginning his term, President Carter stated that one of his primary objectives was to improve the management and enforcement of the Nation's civil rights laws. Of particular concern was the extent to which the Federal Government itself was implementing the national priority of equal employment opportunity.

To accomplish that objective, the President established a task force in the Office of Management and Budget to review all of the programs of the Federal Government which prohibit discrimination. This task force was the forerunner of my office.

The task force found that an unacceptable share of the resources devoted to enforcement of equal opportunity laws was being wasted due to lack of leadership, confusion over procedures, undue delay in resolving complaints, poor management and a general lack of coordination and consistency.

While these problems were found to plague the Government's efforts to enforce civil rights laws in the private sector, the task force also found that the same problems existed in the Federal Government's internal equal employment opportunity programs.

It was evident to both Federal employees and private employees that the Federal Government was not meeting the standards which it imposes on private employers and State and local governments in such vital areas as developing and implementing affirmative action plans, investigating and resolving complaints on a timely basis, and identifying and eliminating discriminatory employee selection procedures. Moreover, specific statutory mandates such as the Indian Preference Act were being ignored or inadequately implemented.

The task force's findings resulted in a major reorganization of the Federal equal employment opportunity program. The Equal Employment Opportunity Commission was made the lead agency in fair employment enforcement.

To assure that the Federal Government itself meets the standards it enforces in the private sector, the responsibility for coordinating and ensuring consistency in the Federal Government's equal employment opportunity program was lodged in the Equal Employment Opportunity Commission. This responsibilty was previously held by the Civil Service Commission.

However, the Director of the Office of Management and Budget recognized that the task of improving civil rights enforcement inside and outside the Federal Government did not end with this reorganization.

He saw in the task force's findings the need for a permanent OMB capability to provide him with advice and assistance in assuring effective implementation of needed management and other improvements in equal opportunity enforcement. In October 1979 he established a Civil Rights Division and appointed me as its Director.

My office provides general oversight regarding the process of developing a consistent and coherent civil rights program government-wide. Our concerns and responsibilities cover a broad range of programs, including Federal equal employment opportunity; title VII; Executive Order 11246, as amended, assuring equal employment opportunity by Federal contractors; title VI; title IX; the Rehabilitation Act; Vietnam Veterans' Readjustment Act; Indian Preference Act and others.

We are the Director's principal adviser on civil rights concerns in all of these areas and more. We are responsible for developing executive orders pertaining to civil rights enforcement, coordinating with budget examiners, coordinating policy on collection of data relevant to civil rights enforcement, reviewing proposed OMB testimony and legislation for impact on civil rights policy and generally assuring effective communication among agencies' civil rights staffs, White House and OMB officials and constituency groups.

As you can see our mandate does not permit extensive involvement in the day-to-day management of all of the programs about which we are concerned, nor would such involvement by OMB be desirable. Of necessity, we must pick and choose among opportunities for involvement, focusing on those areas with greatest need for attention.

In regard to equal opportunity in Federal employment, I believe that we have chosen well. Our office's role in Federal equal employment, as in other areas, is threefold:

One, we have a general oversight responsibility. Two, this is made meaningful by our responsibility for providing input and recommendations concerning agency civil rights budgets. Three, this, in turn, enables us to assure specific corrective action as needed.

In regard to our oversight reponsibility for the Federal Government's equal employment opportunity program, our most important activity is a study, now in progress, of agency accomplishments in implementing the objectives of the President's civil rights reorganization. This study will include an assessment of the Equal Employment Opportunity Commission's exercise, to date, of its newly acquired powers and reponsibilities for Federal agency equal employment programs. While there have been numerous oversight actions of lesser scope relating to Federal equal employment during my brief tenure, one area of special concern has been the assessment of implementation of the requirements of the Indian Preference Act by covered agencies. This has resulted in corrective action which I will discuss later.

We are also involved in other activities, as I indicated in the prepared testimony, such as assuring that duplicative and wasteful paperwork and reporting burdens are eliminated without eliminating data necessary to enforce civil rights guarantees.

I will mention just a few corrective and other actions we are taking pertaining to equal employment opportunity. One is our effort to develop specific criteria to be used by the examiners in reviewing agencies' civil rights programs, including internal EEO programs.

We have imposed very stringent data requirements on executive departments and establishments concerning their civil rights activities. The net effect of these changes will be to allow OMB to effectively wield its unique power of the purse concerning decisions on civil rights expenditures and resource allocations based upon better justification and more reliable data.

To assure that agency civil rights programs are reviewed at the highest level at OMB, the Director has imposed a requirement that our budget staff provide him with a full assessment of agencies' affirmative action programs at our review sessions on the 1982 budget.

This will allow policy officials to reinforce the programmatic responsibilities of the Office of Personnel Management and the EEOC through the budget process.

In the 1981 guidance letter, OMB directed and instructed agencies to prepare detailed and unprecedented assessments of the administration, management and effectiveness of their civil rights activities.

The letter placed agencies on notice that civil rights is a priority concern of OMB and we will target agencies demonstrating significant needs for improvement. We are currently reviewing those assessments and I would suspect we will have some fairly strong directives for some agencies.

OMB is one of those agencies and we have recognized that our own house needs to be cleaned up. We have taken some corrective action to improve the minority and female profile in our work force. Last year hiring decisions for professional staff were centralized in the Deputy Director's Office of OMB.

The Deputy Director is also OMB's EEO Director. Prior to that, the Division Directors made all of the hiring decisions and OMB in essence reacted to hiring procedures and practices rather than shaping them. Now, with hiring decisions centralized, we are able to assure that EEO considerations are addressed as we recruit and hire.

The EEO Director also chairs the OMB Executive Resources Board, which chooses new SES members. I might add that three of OMB's five minority SES's have come on board since we assumed that role.

I, as Director of the Office of Civil Rights, serve on the Performance Review Board which evaluates performance of our SES staff. I personally assure that their affirmative action performance is an integral part of these evaluations.

Under the revised procedures and requirements set forth by the EEOC, OMB has established hiring targets for women and minorities in key occupational groupings. The plan has been circulated to all staff and supervisors and the OMB Director has asked each division head to identify specific positions where we can achieve these goals.

Also, as part of the revised EEOC guidance, OMB has compiled data on promotions and we have concluded that we need to reexamine our promotion practices as they affect women and minorities.

In the recruitment and outreach areas, OMB has signed a series of graduate cooperative agreements with selected schools, including several schools with substantial minority involvements, to attract minority students while they are still in school.

The program permits minority students to gain academic credit and on-the-job training during a 16-week internship. Upon graduation, students who complete the program are automatically eligible to be hired as full-time, career-conditional employees without further civil service processing.

In addition, the Director of OMB has sought to expand the participation of minority candidates in OMB's professional development program. This program provides an opportunity to rotate, through a variety of positions, prior to joining a division staff. We have also utilized a special program to recruit Hispanics in the Southwestern United States.

In summary, OMB recognizes its responsibility to cooperate and reinforce the actions of OPM and the EEOC, the two agencies with the programmatic responsibility to directly manage the Government's recruitment and affirmative action programs. OMB has also taken action to develop a strong internal affirmative action program.

Mr. Chairman, that concludes my statement and I will be glad to respond to any questions you or the subcommittee may have.

[The prepared statement of Nathaniel Scurry follows:]

PREPARED STATEMENT OF NATHANIEL SCURRY, ASSISTANT TO THE DIRECTOR FOR CIVIL RIGHTS, OFFICE OF MANAGEMENT AND BUDGET

Mr. Chairman and Members of the Subcommittee: I am pleased to appear before this Subcommittee on behalf of the Office of Management and Budget to discuss its role with respect to non-discrimination and affirmative action in Federal Employment practices.

I would like to begin by briefly providing some background concerning OMB's efforts to assure equal opportunity in Federal employment, and of my Office's role in that effort.

Upon beginning his term, President Carter stated that one of his primary objectives was improving the management and enforcement of the Nation's Civil Rights laws. Of particular concern was the extent to which the Federal Government itself was implementing the national priority of equal employment opportunity.

To accomplish that objective, the President established a Task Force in the Office of Management and Budget to review all of the programs of the Federal Government which prohibit discrimination. This Task Force was the forerunner of my Office.

The Task Force found that an unacceptable share of the resources devoted to enforcement of equal opportunity laws was being wasted due to lack of leadership, confusion over procedures, undue delay in resolving complaints, poor management, and a general lack of coordination and consistency.

While these problems were found to plague the government's efforts to enforce civil rights laws in the private sector, the Task Force also found that the same problems existed in the Federal Government's internal equal employment opportunity programs. It was evident to both Federal employees and private employees that the Federal Government was not meeting the standards which it imposes on private employers, and State and local governments in such vital areas as developing and implementing affirmative action plans, investigating and resolving complaints on a timely basis, and identifying and eliminating discriminatory employee selection procedures. Moreover, specific statutory mandates such as the Indian Preference Act were being ignored or inadequately implemented.

The Task Force's findings resulted in a major reorganization of the Federal equal employment opportunity program. The Equal Employment Opportunity Commission was made the lead agency in fair employment enforcement. To assure that the Federal Government itself meets the standards it enforces in the private sector, the responsibility for coordinating and ensuring consistency in the Federal Government's equal employment opportunity program was lodged in the Equal Employment Opportunity Commission. This responsibility was previously held by the Civil Service Commission.

However, the Director of the Office of Management and Budget recognized that the task of improving civil rights enforcement inside and outside the Federal Government did not end with this reorganization. He saw in the Task Force's findings the need for a permanent OMB capability to provide him with advice and assistance in assuring effective implementation of needed management and other improvements in equal opportunity enforcement. In October 1979, he established a Civil Rights Division and appointed me as its Director.

My Office provides general oversight regarding the process of developing a consistent and coherent civil rights program government-wide. Our concerns and responsibilities cover a broad range of programs, including Federal equal employment opportunity; Title VII; Executive Order 11246, as amended, assuring equal employment opportunity by Federal contractors; Title VI; Title IX; the Rehabilitation Act; Vietnam Veterans' Readjustment Act; Indian Preference Act; and others. We are the Director's principal advisor on civil rights concerns in all of these areas and more. We are responsible for developing executive orders pertaining to civil rights enforcement; coordinating with budget examiners; coordinating policy on collection of data relevant to civil rights enforcement; reviewing proposed OMB testimony and legislation for impact on civil rights policy, and generally assuring effective communication among agencies' civil rights staffs, White House and OMB officials, and constituency groups.

As you can see, our mandate does not permit extensive involvement in the day to day management of all of the programs about which we are concerned, nor would such involvement by OMB be desirable. Of necessity, we must pick and choose among opportunities for involvement, focusing on those areas with greatest need for attention. In regard to equal opportunity in Federal employment, I believe that we have chosen well.

Our Office's role in Federal equal employment, as in other areas, is three-fold: 1. We have a general oversight responsibility. 2. This is made meaningful by our responsibility for providing input and recommendations concerning agency civil rights budgets. 3. This, in turn, enables us to assure specific corrective action as needed.

In regard to our oversight responsibility for the Federal Government's equal employment opportunity program, our most important activity is a study now in progress of agency accomplishments in implementing the objectives of the President's Civil Rights reorganization. This study will include an assessment of the Equal Employment Opportunity Commission's exercise, to date, of its newly acquired powers and responsibilities for Federal agency equal employment programs. While there have been numerous oversight actions of lesser scope relating to Federal equal employment during my brief tenure, one area of special concern has been the assessment of implementation of the requirements of the Indian Preference Act by covered agencies. This has resulted in corrective actions which I will discuss later.

As I previously emphasized, our most important role is serving as an advisor and mediator between civil rights staffs and OMB management professionals. The most critical concern in this regard is the budget. OMB budget staffs are required to consult with this Office on budget recommendations with civil rights implications. This is a two fold responsibility: On the one hand, we provide the budget examiners with expert assistance in interpreting agency statements and needs; on the other hand, we also act to assure that limited civil rights resources are directed to those departments and programs which have demonstrated that they can use them effectively. Based on my background as a civil rights professional and a former budget examiner, I was fully involved in the preparation of the FY 1981 budget. It is significant that while the proposed 1981 budget calls for cutbacks in most programs, there are recommended increases not only for civil rights enforcement generally but for implementation of internal equal employment opportunity programs specifically. In this, the first budget in which my Office has had input, there is a recommended increase for equal employment opportunity programs in the civil service and the military services.

I will briefly note that we are similarly involved in OMB's activities regarding another kind of budget—the paperwork and reporting budget. We have been active in assuring that needless and duplicative reporting is eliminated, while at the same time assuring that data necessary to measure and assure progress in equal opportunity, both in Federal employment and other areas, is not inadvertantly and adversely affected.

Specific corrective and other actions pertaining to equal employment opportunity include:

Preparation of a proposed Executive Order which assigns the Equal Employment Opportunity Commission lead responsibility to coordinate government-wide enforcement of Indian Preference. We assured that the President's 1981 budget contains new resources to enable EEOC to assume this responsibility. We have worked specifically with the Indian Health Service (HHS) and the Bureau of Indian Affairs (DOI) to coordinate and improve their implementation of and compliance with the Indian preference requirements of the Indian Reorganization Act of 1934.

We are proceeding with the development of specific criteria to be used by OMB's budget examiners in reviewing agency civil rights budgets, including internal equal employment opportunity programs. In this regard, OMB has imposed more stringent data requirements on Executive Departments and Establishments concerning their civil rights activities. The net effect of these changes should allow OMB to make decisions on civil rights expenditures and resource allocations based upon better justification and more reliable data.

To assure that agency civil rights programs are reviewed at the highest level at OMB, the Director has also imposed a requirement on our Budget staff to provide him with a full assessment of agency affirmative action programs at our fall Director's Review sessions on the 1982 budget. This will also allow our policy officials to reinforce the programmatic responsibilities of the Office of Personnel Management and the Equal Employment Opportunity Commission through the budget process.

The Director of OMB joined the Chair of the Equal Employment Opportunity Commission and the Director of OPM in issuing a memorandum to Heads of Executive Departments and Agencies establishing procedures to assure that the current limitation on Federal hiring will not result in or be used as an excuse for a reduction in affirmative action recruitment efforts.

Selected members of the OMB staff have also met with senior officials at the EEOC to discuss the affirmative action plans of seven agencies which EEOC had targeted for intensive review. The meetings allowed budget examiners to obtain a better understanding of the agencies' responsibilities to vigorously pursue affirmative action programs. Similar meetings were also held between OMB staff and senior civil rights officials of the Departments of Justice, Education, Health and Human Services, Labor, Defense, Housing and Urban Development, and the Environmental Protection Agency.

The last and most significant action I would like to discuss relates to OMB's use of its unique "power of the purse" to assure equal opportunity inside and outside of the Federal Government. In the 1981 guidance letter to department heads, the OMB Director instructed agencies to prepare detailed and unprecedented assessments of the administration, management and effectiveness of their civil rights activities. The letter placed agencies on notice that civil rights is a priority concern of OMB and the assessments will enable us to target those agencies which are not implementing their affirmative action programs.

Regarding our own internal affirmative action program, the Director of OMB has also taken corrective actions to improve the minority and female composition of our workforce. Before I discuss those actions, it may be helpful to describe our affirmative action program and structure. It is administered by the Deputy Director of OMB. He is assisted by an EEO working group composed of the Equal Employment Officer, an EEO Coordinator, two Equal Employment Counselors, and the program coordinators for Black, Women, and Hispanic employees.

With regard to specific actions and new initiatives:

Last year final hiring decisions for professionals staff were centralized in the OMB Deputy Director's Office. The Deputy Director is also OMB's EEO Director. Prior to this policy change, our division directors handled all hiring actions. The revised procedures has enabled us to ensure that equal employment opportunity considerations are addressed in a comprehensive fashion and at the highest level within OMB.

The EEO Director chairs OMB's Executive Resources Board, which was established in July 1979 pursuant to the Civil Service Reform Act. The EEO Director, as head of the central body for the management of our agency's Senior Executive Service (SES), makes the final decision on new entrants to our SES ranks.

The Director of the Office of Civil Rights was appointed to serve on the Performance Review Board, which was also established pursuant to the Civil Service Reform Act. As you know, this Board reviews the performance of our SES staff and makes recommendations on performance awards. An integral part of that review is an evaluation of the performance of all SES supervisors concerning affirmative action.

Under the revised requirements set forth by the EEOC, OMB has established hiring targets for women and minorities in key occupational groupings in our agency. The plan has been circulated to all staff and supervisors and the OMB Deputy Director has asked each Division head to identify specific positions where we can achieve these goals. Also, as part of the revised EEOC guidance, OMB has compiled data on promotions and we have concluded that we need to re-examine our promotion practices as they affect women and minorities.

In the recruitment and outreach areas, OMB has signed a series of Graduate Cooperative Agreements with selected schools, including several minority schools, to attract minority students while they are still in school. The program permits minority students to gain academic credit and on-the-job training during a 16 week internship. Upon graduation, students who complete a coop program are automatically eligible to be hired as full-time career-conditional employees without further civil service processing.

In addition, the Director of OMB has sought to expand the participation of minority candidates in OMB's professional development program. This program provides an opportunity to rotate through a variety of positions prior to joining a division staff. We have also utilized a special Hispanic recruitment program to identify Hispanics in the Southwestern U.S.

In summary, OMB recognizes its responsibility to cooperate and reinforce the actions of OPM and the EEOC, the two agencies with the programmatic responsibility to manage the government's recruitment and affirmative action programs. OMB has also taken action to develop a strong internal affirmative action program.

Mr. HAWKINS. Thank you, Mr. Scurry.

Mr. Leach, may I direct several questions to you. First on page 8 of your prepared statement, you say that the status does not unequivocally define the scope of authority to compel production and implementation plans under peril of any sanction. Would you elaborate on that?

Mr. LEACH. Yes, Mr. Chairman.

This involves the whole question of to what degree EEOC can actually compel action under pain of any sanction that we can impose on an agency. In other words, can EEOC act as a quasi-judicial body with regard to the Federal sector imposing, for example, the kind of orders the Merit System Protection Board might be able to impose. I think not.

The statutory language on this is being looked at. There is some reference to the capacity of being able to issue orders under 717; frankly, our general counsel, the lawyers in our agency and others are looking very hard at this now to see what we actually can do should an agency decide not to comply and not to respond to our instructions and decisions.

It is an issue that, as a real problem, is only on the horizon. Today it is not a problem. We are not rattling the saber yet but it could well develop into a serious matter. I would expect that ultimately if it turns out that way, we could be back here asking for something specific in the way of accommodating this particular deficiency.

Mr. HAWKINS. Are you suggesting the need for statutory changes?

Mr. LEACH. I am not now suggesting that, no, sir. Thus far, the bottom line is that the agencies are responding by and large. There is no need to effect any kind of a statutory change at this time. There are other sources of power in government to which we should first look to including this institution, OMB, and ultimately the White House.

Mr. HAWKINS. What specific steps do you take now to reprimand those agencies that continue to demonstrate their unwillingness to hire and promote?

Mr. LEACH. So far we have been able to negotiate our differences with those agencies.

Mr. HAWKINS. With all agencies?

Mr. LEACH. Yes, sir, basically. For example, not all plans have yet been submitted. We know that about 30 percent are still outstanding, but we expect that our differences in each case are ones including technical compliance. These are questions that can be negotiated. The issues are far short of requiring any additional power of compulsion, at least as of now.

Mr. HAWKINS. I have a list of agencies that have not submitted affirmative action programs. There are about 12 agencies, including the Office of Personnel Management, which have not submitted plans.

Mr. LEACH. We are meeting with the Office of Personnel Management and the others.

Mr. HAWKINS. This morning or some other time?

Mr. LEACH. On a technical staff level, on the technical problems. They are really minor at this point, especially with OPM. This is not a crisis.

Mr. HAWKINS. Well, we will submit this list of agencies for the record. Without objection, that will be entered in the record at this point.

[The list referred to above follows:]

MAJOR AGENCIES THAT HAVE NOT SUBMITTED HEADQUARTERS AFFIRMATIVE ACTION PROGRAM PLANS

Department of Energy.
Environmental Protection Agency.
Interstate Commerce Commission.
Office of Personnel Management.
Department of State.
Small Business Administration.
Securities & Exchange Commission.
District of Columbia Government.
National Guard Bureau.
Department of Justice.
U.S. Postal Service.
Veterans Administration.

Mr. Hawkins. Mr. Sugarman, I am not too clear as to just what agency we hold accountable in the final analysis. There are several agencies that seem to be involved in enforcement of civil rights statutes relating to hiring and promotion, including EEOC as a lead agency, which apparently provides some coordination.

We also have the Office of Personnel Management which inherited the responsibilities of the old Civil Service Commission and we have the Office of Management and Budget which claims to have the sign-off on budgets for the various agencies.

There seems to be a degree of confusion which prevails among the various agencies as to what responsibility each of them has. Is there any need to promote coordination of some sort?

Mr. Sugarman. I think we have to begin with the state of the law. We have basically two different directives from Congress with respect to Federal employment. One of them is the profile or program directive which requires us to analyze and act on data on the basis of participation in the labor force of each specific group. For example, 11 percent of blacks are in the labor force and all of our data analysis is on that basis.

The affirmative action plans, on the other hand, are developed and defined in terms of the labor pool available for any particular occupation. Those figures are often far different from the general labor force participation.

For example, there are relatively few minority nuclear physicists, and yet under the principles of FEORP our comparisons are made against the total minority participations in the entire labor force. So I think that there is a different approach there that does lead to confusion.

Second, the processes called for in the law do require extensive coordination. It has taken us time to develop that. I think there is a fairly high level of cooperation now.

For example, we were delighted when Chair Norton and the Executive Director, Preston David, invited us to participate in their task force on multiyear planning. That process is going on with very careful integration.

Third, there are all sorts of people collecting data and the agencies are, I think, overwhelmed by the amount of data collection requirements coming from EEOC, from ourselves, from OMB and from the committees because there are several committees involved here.

We have written to Chair Norton asking her if she would attempt to develop some coordination so that the agencies do not spend all of their time filling out papers and none of their time working on the problem.

That is a literal problem for many agencies now. There is so much paperwork required that we cannot get them to do the basic job. So I think that down the road some statutory changes should be considered to clarify the intent of Congress.

I might say we also have conflicting directives, not legislation per se, coming from the Appropriations Committees of the Congress. For example, in the Defense Subcommittee, many of the efforts that have been made toward affirmative action are being thwarted by a series of committee directives which direct, particularly the Secretary of Defense, not to do certain things that we think are helpful to the affirmative action program.

I think the spirit of cooperation among the agencies is quite good at this point. You can be encouraged by that in terms of the coordination of the future.

Mr. HAWKINS. One of the things that was very discouraging to the subcommittee was the fact that in the past year and a half in which we have been trying to collect data, there was no place to go to get it. We had to do it from zero, agency by agency, which means that it has required almost a year to collect the data.

It is difficult to see how one can assess the progress that is being made, or do anything to correct any injustices, in the question of the underutilization of minorities, women and other groups when there is some doubt as to what agencies are actually doing the job or evaluating the progress that is being made.

For the life of me, I cannot see why in a technological age such as this with all the computers around how it is that we cannot get such simple information.

We have compiled this report in order to supply what seemed to us to have been something which should have been available in one of the responsible agencies.

Now, this is not being supercritical but can you make any suggestions as to how, from time to time, we can have this information available to the relevant committees of Congress as well as to the agencies charged with enforcement, evaluation and assessment of the progress being made by various agencies?

Mr. SUGARMAN. Well, let me give you what will have to be a long answer because there are several factors involved. The first is, for many years, it was the Government's policy not to collect information on race or national origin as a part of applications for employment.

This was done in the belief that the collection of such information might prejudice the hiring of individuals. About 4 years ago we reexamined that issue. We examined that question and came to the conclusion that we simply could not operate without information about who was applying for Federal jobs.

So we are now in the middle of a transition process whereby we will be collecting data on a voluntary basis as to what the racial and the national origin backgrounds of the individuals are. I might say that that decision is not without opposition and there are many groups who still are opposed to doing it.

Another one of our problems was that we have relied on a system of visual identification. Since we could not ask the individual what their background was, we had somebody look at them and say, "Well, this is Hispanic, and this is a Black, and this is an Asian American," and so forth. This is not a very reliable system.

Until we begin to collect data with the person telling us the correct answers, we will not have an accurate picture. We are finding now that people are not as reluctant to give identifying data as they once were. We still have probably an abnormal number of Aleuts identified because people think that that is a fun thing to do. It is much smaller than it was.

Now we think that we have pretty good data for each agency on a nationwide basis, giving the limitations that I have talked about.

We think we can tell you, and some of the charts up here illustrate that point, what the picture is at any point in time. What we cannot tell you is what that picture is in a particular community because our data aggregation systems simply do not permit that. We could do that and we could make those changes if the money were available to facilitate that kind of analysis.

The other thing that we cannot really tell you is what the pattern of development of individuals is over the year. If a black employee comes in at grade 5, does he move ahead faster or slower than a Hispanic, white employee, or a woman coming into grade 5?

To be able to do that would require a very major restructuring of our data collection system and a very substantial expenditure of money. You are absolutely correct that with our technological age there is no reason those things cannot be done if one is willing to invest the kind of money necessary.

Mr. HAWKINS. The private sector requires them to submit EEO-1's and certainly we have enough computers to compile this. It would seem to me that any reluctance about doing it in the Federal service has been removed a long long time ago.

This committee always seems to be in the position that we are right on the threshold where perfection is going to be accomplished the month after next. Then we are suddenly in a transition period. By the time we get to the end of one administration, we have another cast of actors for the new administration and we have to go through the same process again.

I have gone through this for four decades. So I hope that this is the millennium in which we are going to achieve that point.

Mr. SUGARMAN. It is not the millennium.

Mr. HAWKINS. I am not too reassured, however.

Mr. SUGARMAN. You should not be because unless there is a substantial dollar investment, the kinds of information I have just talked about are not going to be available. But that is a heavy investment of money.

Mr. LEACH. If I could say a word on this—it is true and you said it well, that the EEO survey data which we require is grist for our title VII operation in the private sector. That data and its refinement is inadequate as it is, even though it forms the basis for all of our enforcement strategy.

I agree with you that we simply have to develop the same kind or even better system in the Federal sector if we are ultimately going to have the kind of program that you envision. It means our getting down to the table with OPM and looking at the CDB of which Mr. Sugarman has referred. For our purposes now it really does not give us what we need.

But I think this is something that we can work very hard on during the course of sorting out the multiyear program in order to embed an effective information system in that kind of a program.

Mr. HAWKINS. Mr. Petri, do you have any questions?

Mr. PETRI. I have one or two questions. I guess it would be expensive but you could include, for example, a computer card with everyone's pink check and have them send it back and run it through. It would not be the end of the world and it might not cost that much.

There are other ways rather than setting up all new forms or mechanisms. I am glad to hear you talk about the burdens of paperwork because back home when I meet with business people or anyone else who has many dealings with the Government, they talk about agreeing with many of the goals but being diverted from actually accomplishing them because they have to devote so many resources to formal requirements rather than substantive requirements.

I hope as you review budget requests across the spectrum you are alert to ways of getting the job done but reducing all overhead costs of that sort.

I have one question for Mr. Sugarman. You stated that of the 500,000 jobs filled in the Federal Government each year, approximately 400,000 are filled from within and around 120,000 from outside the Government. Now, to what extent does current law require the Government to fill jobs from within and to what extent does the law limit the discretion of agencies to recruit from outside the government?

Might there be some need for changes if we want to make faster progress in this area?

Mr. SUGARMAN. The law does not inhibit an agency from hiring from outside if it wishes to do so. But the general principle of the civil service system is that it is a career system and people come in for the most part at the bottom and work up through the ranks, which I think basically is a good principle.

But in initial hiring the agency cannot always hire from outside. There are in effect now a series of limitations that affect this. These relate to the so-called freeze where agencies may only hire from outside their agency for one job for every two that become vacant. That has appreciably slowed the amount of new hiring going on. That is not a matter of law but a Presidential directive.

With respect to your earlier comments, Mr. Petri, I might note that OMB has instituted this year a paperwork burden budget. It is designed to control this growth and hopefully to reduce the amount of paperwork required of the public by Federal agencies.

That gives us something of a paperwork burden to budget for it; nevertheless, I think it is a move in the right direction.

Mr. PETRI. I know. I think before he took office Charlie Schultz made several speeches about the need for reviewing the way we achieved objectives in the Federal Government. I have no other questions.

Mr. Weiss.

Mr. WEISS. Mr. Sugarman, you have used the 15-year figure in the early part of your statement and I am not sure I understood the significance of it. Would you expand on that?

Mr. SUGARMAN. Let me use as an example the Hispanic community, which with the inclusion of the Puerto Rican data will be about 5.6 percent of the labor force. If we hired every year for the next 15 years 5.6 percent of our new hires from the Hispanic community, at the end of that 15 years we would then have Hispanics representing 5.6 percent of the Federal labor force.

But it will take us 15 years to get to that point because we are now so far below.

We are now so far below the level that we would really have to overhire in order to compensate for the past deficits.

Mr. WEISS. And what I am really asking is, are you projecting that 15 years is needed to catch up or do you have an earlier goal or timetable in mind?

Mr. SUGARMAN. At this point we are not even hiring at the 5.6 percent level for the Hispanic community so our first goal is to get up to the 5.6 percent hiring level from the current labor pool. I do not frankly think that there is likely to be overhiring above those numbers and I think that the 15-year goal is a more realistic one.

Mr. Leach may want to comment on that.

Mr. LEACH. I have no comment.

Mr. WEISS. Now, you have used the Hispanic community for that example. Do you have similar projections for women and for other minorities?

Mr. SUGARMAN. Well, I think there will be a faster catchup period for women because they are coming into the labor force in great numbers. For example, last year there were more women attorneys hired in the Federal Government than there were male attorneys. The Presidential management intern program has a very high participation rate for women.

The black community made great strides but the rate of improvement there is slowing down. As I indicated earlier, that is partly due to the drying up of college graduates or the decline in the proportion of college graduates of the black community. I would anticipate some problems in the black community.

Mr. WEISS. Now, these figures and projections are based on the premise of all things being equal. That is, that the various agencies of Government will follow through roughly on the same basis of compliance as they have been up to this point.

Mr. SUGARMAN. It is based on further improvement.

Mr. WEISS. And the supervisory and monitoring agencies will also be monitoring at the same level or an improved rate of monitoring.

Mr. SUGARMAN. I think it will take additional pressure from the supervisory monitoring agencies and a continuing reminder to people that this is part of our national policy.

Mr. WEISS. The line seems to be receding further away.

Mr. HAWKINS. If we wait long enough.

Mr. WEISS. Let me ask a broad general question. I am not sure if I obtained, based on your testimony, a clear sense as to what one would attribute the lack of compliance to. Is it momentum, inertia, affirmative resistance or negligence. What do you think is responsible for the failure at all levels beyond the mechanical problems that you have laid out?

There obviously are some attitudinal problems involved in this situation, too. I would like your comments as to where you think we are in relation to the agencies themselves and monitoring agencies.

Mr. LEACH. It is a question of prioritizing this. I think this is something that has recently gotten into our national dialog in terms of making this a Federal issue. I think our focus has been on the private sector up until now.

The statute itself reflects that. When it was passed in 1964 there was no concern about the Federal employment sector and it was not even included until 1972 when that statute was amended. The lag has been there ever since. We have to catch up. It means getting the right technology in, as I tried to indicate in my statement. That has been a problem.

We found after we had gotten the authority last year that not too many agencies had focused on Federal affirmative actions. This issue did not receive the kind of internal support it needed.

Next to that, I suppose, is the matter of trying to get this thing in place, trying to sensitize people to the issues and even disciplining managers when they will not or cannot achieve goals. That is something that is done in very few employment contexts today and it is something that we ought to try to institutionalize in the Federal Government.

Once managers find out that their jobs, perhaps, and this is what the Civil Service Reform Act contemplates, are going to be on the line for not making their goals in the Federal Government, as Congress said in 1978, it should make a difference. Managers are going to find that out and they are going to respond.

Mr. WEISS. And yet the chairman has just listed 12 agencies which have not even submitted a plan. How does that fit into the equation?

Mr. LEACH. This is new. Focusing on them today and putting them in the record I think is going to make a difference. In the past, this kind of public exposure did not happen on this issue. OPM is an example. OPM is going to submit a plan. I think Mr. Sugarman can verify that. There will not be any resistance from OPM. When there is resistance, on the other hand, you will hear about it from us.

Mr. WEISS. But the question I have is why should it be necessary for there to be a subcommittee hearing at which we publicly embarrass an agency, for the agency to decide, well now we are going to comply?

Mr. LEACH. For many reasons. For instance, we cannot sue our Federal agency colleagues as you know. This kind of exposure aids enforcement.

Mr. WEISS. I want to go beyond that and try to find out why would 12 agencies not have submitted a plan?

Mr. LEACH. Well, I think it is a part of the legacy of the past. No priority on this issue. Part of it is getting the technology in there so they can develop the plan. We have been sitting hand in hand and taking agency personnel by the hand through this maze of EEO law that all of a sudden they have found out about. We are trying to spell out in detail just how to construct these plans based on market data, work force data, and underutilization analyses to make the plans worthy of what the Congress intended.

That I think has been the bulk of the problem to date. I do not think it is a question of their saying we are not going to submit a plan. It is a question of how do we apply EEOC's instructions to a given Federal workplace. That is what we have been doing during these days.

Mr. **Hawkins**. Would the gentleman yield for just a minute? To follow up the line of inquiry, why wouldn't the Department of Justice be fully aware of what the law requires?

Mr. **Leach**. There are different technical questions with regard to each agency; 70 percent of the agencies have already submitted plans.

Mr. **Hawkins**. But you have 12, including the Department of Justice, who have not yet submitted plans.

Mr. **Leach**. Out of a total of 300.

Ms. **Schroeder**. Part of the problem is that EEOC did not get the Garcia amendment regulations out until December of 1979.

Mr. **Leach**. No; it was December of 1978. EEOC issued its guidelines to OPM within 90 days after the law was enacted.

Ms. **Schroeder**. No; it was December of 1979.

Mr. **Leach**. It was December of 1978.

Ms. **Schroeder**. So is that part of the problem?

Mr. **Leach**. I do not think that that is part of the problem today. No; I think that problem has yielded to the interpretation and the technological problems that arose after that. That has been over a year now.

Ms. **Schroeder**. I think it is 6 months.

Mr. **Leach**. I am not confused on that. Guidelines were out in December of 1978. You are talking about the Garcia amendment guidelines, December of 1978. We did not issue the regulations. The regulations were issued by the Office of Personnel Management. Congress requested EEOC to issue only the guidelines under the Garcia amendment. They were issued in December of 1978.

Mr. **Hawkins**. Let me pose a further question, Mr. Scurry. What if these agencies come before the Office of Management and Budget and they have not yet complied with the law? Are you suggesting that at that point they will be questioned if they have not complied with the law? What happens at that point? Isn't that a good place in order to stop the foot dragging?

Mr. **Scurry**. Yes. That is not the only answer.

Mr. **Hawkins**. It is not the only answer but it is the most effective one which comes to mind.

Mr. **Scurry**. From my perspective it is a double-edged sword. If OMB were to use the same yard stick and decide what their resources ought to be, as we do for other programs, we would probably wipe out most of the staff in those agencies. I do not think that that would be the objective that we want.

Mr. **Hawkins**. But you haven't even threatened?

Mr. **Scurry**. We have not and we are deferring that capability. We are going to do it in conjunction with the EEOC. We need to further develop our staff to ask the questions that need to be raised and to develop the kind of issues that we discuss with our policy people.

We want to make sure that we do that in a way that is consistent with the manner in which EEOC is administering the program government-wide. There is a mandate that allows them to provide us with budget recommendations and other advice on what we ought to do at OMB, using the power of the purse to encourage or otherwise stimulate agencies to cooperate.

We will begin to do much more of that this year in examining the 1982 budget than we have done in the past. Prior to 1981 we did not do very much. I think between our use or the threat of the power of the purse and some programmatic advice we can get from EEOC in terms of the role that OMB staff can play, I am hoping we will get better cooperation government wide.

Mr. **Sugarman**. I think I had better speak. If you grade us in terms of submitting reports we get an "F." If you grade us on what we have achieved, I think you will be very pleased and maybe even give us an "A."

We would have one of the finest records of employment of women and minorities at the higher grade levels of any agency in town. Our problems with the plan are basically that we have never had a computerized personnel system and to produce the data that was required we had to do it by hand. We just took an unconscionable long time to do that. That has not interfered with our action on the plan.

Let me respond to some of your broader questions, Mr. Weiss, about what are the problems. One is clearly the examination process in the Federal Government, and in the past it was very high reliance on written examinations. Historically the Government used the Federal Service entrance exam as one of its major vehicles for people coming out of college or with equivalent experience.

Several years ago it was decided that that exam, which had a 6-percent minority hiring rate, was discriminatory. The Civil Service Commission voluntarily went into a new exam which was developed at very great expense called the PACE exam which produced a 2-percent minority hiring rate.

Now, the fact is, in my judgment, that any exam which is premised upon a written examination at this stage of our society is going to have an adverse impact on minorities. It is not on women but minorities because of the differences in educational background that they have experienced.

So we have to look at other forms of examination which may be equally or even superior in predictive ability. The assumption in the past was that written examinations were best. We do not agree with that. We have urged our staff to look at other types, such as the evaluation of experience, bio data and the self-appraisals which turn out to be fairly accurate.

You ask people how good they are and we are not bad on that. We are trying a lot of different things. We have also tried to delegate it to the agencies so that when we have good applicants they can get the process completed quickly.

I think a second kind of problem is a continuing institutional or professional resistance that has to be fought every day until you win. I would, for example, cite the field of investigators. Until a few years ago they had virtually no women at all and very few minorities. That is gradually changing, but it is a process that I spend time on at least once a month because we have to keep pushing people who really do not believe in it.

The authority which Congress gave us in the Civil Service Reform Act to include affirmative action in managerial evaluations is going to be helpful. That is a very visible symbol, that something can happen to them if they do not do something.

The blue collar people show very little improvement in hiring of women because of a traditional resistance there. There are also problems on the supply side. There are certain occupations, particularly in the professional categories, where there are not sufficient numbers of people trained professionally to fill the jobs.

That picture will improve over time, but you cannot generate nuclear physicists overnight.

There are other problems on the supply side in terms of the interest of people in certain kinds of occupations. For example, we have a clear under-representation of males in the secretarial and clerical ranks. That is primarily a matter of interest. They historically have not been interested in those occupations and I do not see that changing in the future.

We have a clear lack of interest in police and fire jobs where women are not applying for those in the numbers who might qualify. Those are things that may change as time changes but that supply problem is not something that we can do anything about ourselves.

Mr. **Weiss**. Thank you.

I have no further questions, but by way of comment, I suggest that while all of the responses I think provide part of the overall picture, I still am concerned about the general basic attitude of government agencies and in their willingness to adhere to the law the same way we expect the private element to adhere.

If we had that kind of attitude perhaps we would move a little bit faster toward our goal.

Ms. **Schroeder**. Again I want to compliment the chairman and the subcommittee for their sensitive questions and their focusing on this. I find this very difficult because there is no person that I respect more than Mr. Sugarman. I do not think we intend to blame any of the three of you.

But I think the Chair's questions to Mr. Leach about enforcement are helpful and relevant to OPM relating to super-management and secretaries. Yet agencies have not submitted their plans. Doesn't that communicate some kind of priorities to the other agencies about how important this is?

You may think that we are making a mountain out of a mole hill but I am terribly concerned that we have done very little to institutionalize affirmative action in the Federal Government. If it isn't institutionalized and if we have a President—and I notice the gentleman from OMB says the White House is one tool—who doesn't have any sympathy for this type of thing, it sounds to me like our foundations are in sand right now and it could just crumble very rapidly.

I think that was my subcommittee's great concern, that the agencies all said "Well, you know, on civil service reform we know who to report to on everything, but on affirmative action it just did not appear to be important." I know in the Conference Committee I had to fight very hard to keep the Garcia amendment in, as you gentlemen know, because the administration was trying to get it out.

So maybe we are overly paranoid about how it has been treated in comparison to the rest of the Civil Service Reform Act. But I think it is with due cause because there has not been the vigor here. I think the private sector has a lot to scream about in the Federal Government's EEO record. Here the public sector is saying "We cannot do it because of paperwork," but this private sector certainly did not get off the hook for that reason for the last 16 years.

But time is of the essence and I only want to say, I especially direct this to Mr. Sugarman, the thing that worries me so much is OPM's very own training statistics that came out in 1979. As I understand this chart it says to me that we are in real trouble.

I wonder how much your figures mean if most of the improvements are in noncareer positions. We know that in the civil service the main thing is upward mobility and career ladders. That is what the civil service is about.

When you look at the training statistics, the percentage of duty hours spent training for fiscal year 1979 by the Federal agencies, as you read this, men got most of the training. The average male in the Government spent 75 percent of his time in training and the average black, that person, male or female, got 48 percent training.

Maybe they do not need it. Maybe they are superachievers or they do not get any upward mobility. When you see this for all groups it is 68 percent, and for men it is 75 percent, they are at the top. For women it is 54 percent.

You find that the minorities and the women are not getting nearly the equivalent number of hours of training on the job as men for that upward mobility. That either says that men need a lot more training than women or that there is an "old boys club" that is selecting them for the upward mobility program.

I think again one of the scariest things when you look at the general schedule level is the GS-5s through 8s, which are really entry levels. For men it is 1.28 and for women it is 0.67, just about half. You see that all of the way through. That is, men versus blacks, versus minorities and versus women.

That to me says something. You have a tremendous challenge in front of you, the three of you, because I think that reflects the attitudes in the civil service of the current management of the agencies. That doesn't say a lot very positive about the future.

It seems to me that all groups should have some kind of equal training opportunity to go upward. I would hope that you would focus on that and not just outside recruitment.

These figures are in-house. If I were OMB I would call in every one of them and say "Don't you have any trainable blacks or are all of your men incompetent because you have to train them twice as much?"

You ought to find that out. I think OMB ought to be very concerned about what that shows. So I realize that is not a question. That is a lecture.

I do not mean to lecture but all I am saying is to go out and light a fire because I am like the chairman, I do not want to be writing letters about this in a nursing home. Let us get it institutionalized.

Mr. **Hawkins**. You have heard Ms. Schroeder and she has made it clear. The minority counsel, Mr. Stephens, has a few questions.

Mr. **Stephens**. Mr. Scurry, I want to clarify an inference I am drawing from your statement on page 4. That is about resources being directed to those departments and programs which have demonstrated that they can use them effectively.

Does that mean that for those departments that do not use them effectively you do not devote any civil rights resources to them?

Mr. SCURRY. What I mean by that is that if an agency were to request additional increases for a civil rights program that they have not administered effectively, we would require that effective corrective actions be in place before recommending any increases.

Mr. STEPHENS. As to those agencies which do not use them effectively, does that mean that they are not recruiting an adequate number of minorities?

Mr. SCURRY. I do not think so. What we intended there was if an agency were to come to OMB and request additional resources to implement their internal EEO program or other civil rights statutes and they have not had a good track record, we are not likely to recommend that that agency receive an increase.

We are more likely to recommend that they improve their current management before any new additional resources are provided.

Now, my office has not yet taken the other side of that coin, to say if they have not then we ought to take away what they have. Our view there is that OMB has not prodded agencies in the past nearly as hard as we are going to in the future to develop and implement effective civil rights programs, including affirmative action programs. We have not done that.

Mr. STEPHENS. Well, it seems to me that OMB would have a special expertise in evaluating what programs have worked effectively. It could advise an agency how it could expend its dollars and translate those dollars appropriated into higher recruitment.

What standards or criteria or guidelines has your office applied in evaluating or helping an agency maximize the return on its dollars?

Mr. SCURRY. OMB does have that capability but in the past it has been limited to noncivil rights aspects. We have just recently begun to consider how that capability can be applied to civil rights. In the past we have examined agencies' social budgets but have not looked at the impact that those budgets or recommendations would have on the civil rights of protected classes.

We are developing our views on how to integrate civil rights criteria in examining agencies' budgets. We do not have such criteria in place at this time.

We will get advice from agencies such as EEOC in developing such criteria, and we will use the 1982 budget submissions as part of this developmental process. At this time we are a lot better at looking at a program that is not civil rights related and making some judgments about whether it is managed effectively and whether the return per dollar would be better here or in some other area.

Mr. STEPHENS. But that is your goal.

Mr. SCURRY. Yes.

Mr. STEPHENS. How long would you think it would take before you could reach that goal?

Mr. SCURRY. I do not know. I have been at OMB since 1971 and I must admit that over the last 12 to 13 months we have been more actively involved in trying to assess civil right performance than in all of those 10 years combined. We would like to think that we are going to learn very quickly and we will rely very heavily on getting support and advice from the EEOC.

But for me to say that next year we would be ready, I do not know. I can only say that in the context of examining agencies' budgets for 1982 we plan to ask some very hard questions on output as far as civil rights enforcement is concerned. That specifically includes internal affirmative action.

We plan to give the Director our best judgment of those agencies that we think perform well and ought to be rewarded and those agencies which have not performed well and ought to be slapped on the wrist. Hopefully it is not in the context of a reduced level of resources but in a context of maybe getting EEOC and some of the other agencies working with them to improve their current situation.

Mr. **Stephens**. If you slap an agency on the wrist by reducing its budget, how does that enable it to perform better in its recruitment possibilities?

Mr. **Scurry**. It has been my experience that when OMB presses an agency very hard to do things, they have responded.

Mr. **Stephens**. How would you press them?

Mr. **Scurry**. Well again a threat of the power of the purse. Normally when OMB sends a letter out to an agency requesting that they do certain things in a time frame, agencies typically respond and they respond within that time frame.

Mr. **Stephens**. And if they do not, what is the club?

Mr. **Scurry**. Well, the ultimate club is to reduce resources if they are not being effectively utilized.

Mr. **Stephens**. Even the resources that they are devoting to civil rights enforcement? I guess it did not seem to me a logical solution.

Mr. **Scurry**. That is the only club OMB really has short of the directives and going to the President and firing the man in charge of that program. There is a point at which you must recognize that, due to a program's management problems, a dollar appropriated will not result in a dollar's worth of enforcement. If this is the case, appropriate action must be taken.

Mr. **Stephens**. Could you direct an agency to redirect their efforts to keep them from buying new desks or new carpeting or whatever?

Mr. **Scurry**. We have some flexibility there, but in the main, resources are appropriated by the Congress for specific purposes and we run the risk of getting in trouble with the Congress if we were to tell an agency that received *x* million of dollars to buy equipment to devote those funds to pursue affirmative action.

It certainly would be more appropriate for us to make a judgment that agencies have not made adequate use of resources to pursue affirmative action and provide management expertise and assistance to improve performance as opposed to them reallocating more moneys which were justified for other purposes.

Mr. **Stephens**. So you have to be sensitive to congressional concerns.

Mr. **Scurry**. Yes.

Mr. **Hawkins**. Well, gentlemen, thank you very much.

Mr. LEACH. Could I add one thing, since you alluded at the outset to EEOC specifically and its profile and appreciate the fact that our agency is exemplary in terms of the utilization of people at all levels. As a further indication I would note our most recent statistics on the SES demonstrates that about 25.5 percent are women, there are about 37.2 percent black, and 20.9 percent Hispanic.

I think it is incumbent upon EEOC to maintain its very pure image and provide this kind of leadership and I think that is important. It is also a fact that even our performance ebbs and flows at times and we need to be always alert.

Mr. HAWKINS. I think the affection demonstrated in this forum for the witnesses and keeping you overtime indicates our interest and concern. The next time we will try to make it briefer but perhaps call you back more often. Thank you very much.

PANEL OF WITNESSES: SAM BROWN, DIRECTOR, ACTION; MARY KING, DEPUTY DIRECTOR, ACTION; JOAN S. WALLACE, ASSISTANT SECRETARY FOR ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE; AND SAMUEL C. SAYLOR, ACTING PUBLIC PRINTER, U.S. GOVERNMENT PRINTING OFFICE

Mr. HAWKINS. We welcome you here and are very pleased to have this panel before us today.

I heard something about the celebration of the first child of Mr. and Mrs. Sam Brown. We understand their new offspring is just one day old. We hope your testimony this morning, Mr. Brown, will contribute to your offspring. We hope that by the time your offspring becomes an adult we will have settled some of these problems that we have been discussing this morning.

First, we will call upon Mr. Brown, representing the ACTION Agency.

All of the submitted statements will be entered in the record in their entirety and we would appreciate the witnesses giving us highlights of them, leaving time for questions.

Mr. Brown, you may proceed.

STATEMENT OF SAM BROWN, DIRECTOR, ACTION; ACCOMPANIED BY MARY KING, DEPUTY DIRECTOR; JANET B. WATLINGTON, ASSISTANT DIRECTOR, OFFICE OF CONGRESSIONAL LIAISON

Mr. BROWN. Thank you for that introduction. I hope before my child reaches his majority that the world, in a great many ways, will be more just and equitable than it is today.

Reflecting your comment a little earlier, I hope that in the next 4 months, before we have even the potential of an unhoped for transition, that we will have locked in some of these elements of affirmative action so that we won't have to wait for some future date, but that we can, in fact, accomplish them not only before my son reaches his majority but also before the fall and winter.

I would like to comment today briefly on some of the successes and also point to some of our failures at the ACTION Agency. I know that pointing to failures is not a common way in which an agency approaches the Congress, but I would like at least to talk about the frustrations and problems in some areas that we have faced over the last 3 years.

ACTION has a substantial record of achievement in making our commitment to affirmative action work. I think that record over the last year is continuous and substantial and increases not only in employment but also in the composition of the volunteer forces with which we work. I believe the successes are due to a two-part effort: First, an effort to target senior policy and management positions as key positions on which to focus our effort. I have to say for me and our Agency a reversal, since we normally see and believe in social changes coming from the bottom up. In this case, we believe it was important to have a top-down strategy with the thought that people at the top might be able to pull the system a little better if they had a personal stake in, and reflected a little more accurately, the nature of the population.

Second, we believe that you need to create a critical mass, that is, enough people working together so it is not a minority of the staff committed to doing something, but there is a shared commitment at the senior staff level to making affirmative action work all of the way through.

I think you can see that strategy generally reflected in the charts on the right.

The blue in each case reflects where the ACTION Agency is on each side. When the Federal Government was at 5.2 percent, we were at 16.7 percent level in minority hiring. When the Federal Government was at 6.4 percent, we were at 30.6 percent, about a doubling of minority staff in the GS–16 to 18 level in the last 3 years. In terms of women, when the Federal Government was at 3.4 percent we were at 8.3 percent. Now the Federal Government is at 6.6 percent, however, we have quadrupled the number of women in management positions in the last 3 years to 27.3 percent of the total. Twenty percent of all SES positions are held by members of minority groups, and 40 percent of all SES positions are held by women. Nine of the 14 have positions in the agency, that is when I met with the executive staff of the agency, 9 of those 14 senior policy positions are held by women, blacks or Hispanics. Eight of the 10 regional directors of the agency are either women or minorities; five are women, three are black and two are Hispanic.

Twenty of the Peace Corps' 1957 country directors are black or Hispanic, all appointed in the last 3 years, and 12 women currently serve as country directors. At any other time, no more than three women had ever served simultaneously as country directors, and 10 couples serve as codirectors abroad, so we don't find what at times happened in the past. In the past the male in the family was employed as the country director and the woman was simply expected to work full time taking care of the volunteers and making sure that things happened, and being essentially a full-time employee but without the recognition or income which comes from being a full-time employee.

ACTION exceeds the government-wide average of minority employees at all grade levels. The greatest increase, as I mentioned, is in the senior positions, and ACTION exceeds the average in the Federal Government in the employment of females, except at the very lowest level of women employees, and it is still true of the lowest level, too.

One of the things that has been interesting to me is that we have attempted to insure that there are more men represented at the lower end of the employment scale as well, and not just trying to balance, so you don't get 80 percent or 90 percent at the GS-4's; but that requires balance on both ends.

We pushed very hard in terms of the composition of the volunteer force. Now 30 percent of all VISTA volunteers are minority, up 7 percent. We don't have numbers for 1976. Those statistics were not gathered, so we can't give a comparative analysis although we know it is up 7 percent in the last year alone. Minority respresentation in the Peace Corps is up from 4.8 percent of all volunteers 3 years ago to 6.7 percent today, an increase in numbers of about 50 percent, but it is still inadequate representation.

As to Foster Grandparents and Senior Companions, 37 percent of Foster Grandparents are minority people, and retired senior volunteers about 16 percent, a level which we have not substantially increased. That has been a place where there has been very little change.

We have a class action suit inherited by this administration from the previous administration. As a result of a pattern and practice class suit against the previous administration, we entered into a stipulation and resolved 21 of the 27 outstanding cases and the remaining cases are all in the process of resolution.

Upward Mobility, which was started in 1978, has been a mixed success at best. Only 1 year out of the 3 since then have we really had a full-scale program, largely due to funding constraints, so that the program has not been as strong as it should have been; and I want to comment on that very shortly.

In contracting, there has been a rather dramatic increase. In 1976 the ACTION agency did $254,000 in AID contracts and this year we will do over $2 million, an increase of about eight times in our contracting in a 3-year period; it is up from 3 percent of the total procurements to 16 percent of total 8(a) contracts.

In programing and VISTA, we have focused particularly on support to self-help groups, largely focusing on blacks, Hispanic communities and women. They range from the Federation of Southern Cooperatives to the Federation of Indian Control School Boards. There are a number of programs specifically directed to insure that we meet the needs of minority populations through our programming.

I think it is fair to say that in some areas we have led the way. We have over 600 VISTA volunteers today involved in over 100 projects, working specifically with women's programs. We were the first, I think, in the Government to respond directly to the domestic violence issue several years ago by providing the initial funding which has now led to an ongoing program.

However, that is on the up side. The concerns and frustrations are very great. In the GS-7 to GS-12 categories, particularly, those levels which are the bridge positions between entry level jobs and management level jobs and are themselves in many cases the mid management level jobs. While we rank high among the Government average, substantially in terms of percentage of both minorities and women holding jobs in those categories, the increase has been much less substantial in those areas than we would have hoped for in a period of 3 years.

There are a number of reasons for that. We are a small agency, so there are relatively few jobs and relatively little turnover at that level. The three hiring freezes in the last 3 years have made it very difficult to have any movement in that area. There has been a much lower turnover in those areas than in previous years because of the economic circumstances which have encouraged people who might have moved on to the private sector jobs or to another agency to stay where they feel comfortable.

Finally, we have pushed very heavily on the decentralization of the functioning of the agency, to try to get it closer to the people with whom we work, so that there are more positions in the state offices and regional offices, but as a consequence they tend to be very, very limited careers. In a State office, which has four or five employees, it may be possible that you can move one person through from a program clerk to a program officer, but it is very difficult, very hard to find, and frequently very hard to recruit.

We are substantially below the levels where we would like to be in hiring both Hispanics and native Americans. It has been a frustrating task. There has been an increase in Hispanic employment but it is still only 4 percent of the overall employment force.

We work closely with the Hispanic community and I think there is a great representation there, but we have not been succcessful in recruiting Hispanics into the agency. I don't know why. We would have to have someone more skilled working with us who knows how to use the mechanisms of the civil service system to increase the number of Hispanics because that has been a great frustration. We look at it frequently and we are not particularly happy.

The Peace Corps recruitment is another place where we have had a deep commitment over the years and we simply have not made the progress there. We have worked very hard with a number of historically black institutions to encourage more black volunteers. We have tried to focus our recruitment mechanisms in such a way so that our recruitment force—which was 3 years ago 2 or 3 percent, and now 20 percent minority—in the thought that if the recruiter who came to recruit someone of the same ethnic background might cultivate a more sympathetic relationship at the beginning. We have not had the kind of dramatic increase we would have hoped to achieve.

We have increased the number of minority volunteers by nearly 50 percent, but it simply isn't the quantum we would have hoped for out of our efforts.

Fourth, we have been on a continuing resolution for 3 years, and we have spent a substantial number of hours in this room discussing that issue before another committee. The result is that we have had a natural tendency to keep on the staff what we could keep on, and to allow the positions to go by means of attrition, so that the overall ceiling is down, and you don't bring very many people in.

One of the first things to suffer is career training and upward mobility. It is sort of a fact of life that they seem to be, regardless of ideological commitment, if the choices is between running a RIF and ending a program. We try to maintain the career personnel that we have on staff, and our career training has suffered dramatically.

About a month ago we got the first indication that we might get an appropriation for fiscal year 1981. It is a hopeful sign, and we hope that it turns out to be true. Counting on that hope, we appointed a task force to figure out what we could do immediately to try to make up for the last couple of years of neglect in that area. This neglect is shared by both management and union as a concern, and we are trying to move as quickly as we can.

I assure you that we will not be coming back several decades from now to explain why we didn't get it done. If we have the resources to do it, we will move quickly and dramatically, as we have during the course of this administration's first term, to assure that those affirmative action plans and upward mobility and career training plans which Congresswoman Schroeder raised, are in place soon. It will happen during this first term.

Finally, we have been concerned with the lack of staffing at EEOC to handle discrimination complaints. It is not to be critical of them, but it is the result of a shortage of staffing. The cases drag on at great length and the result is that those people who might appeal and have a legitimate appeal are discouraged from doing so because the resolution takes so long that there just seems to be little hope of obtaining redress in any reasonable time.

We have tried to assert that if we get enough people at the upward level, you can pull some things through the system, but we continue not to do so, in spite of what I think is a dramatically good record to reach the goals which we seek. In the hope that we will be able to reach them, we continue to appeal to the Congress to help us by appropriating some funds, which I know this committee does not control but I never want to miss an opportunity to make that appeal.

When more than two people gather together, it is time to do it.

[Prepared testimony of Sam Brown follows:]

Prepared Testimony of Sam Brown, Director, ACTION

Mr. Chairman, I am happy to have this opportunity to testify before the committee on ACTION's effort to make affirmative action an integral part of our personnel policies and programming strategy. With me today to answer any questions you may have are Raul Rodriguez, the Director of ACTION's Office of Compliance and Jan Watlington, the Director of the Office of Congressional Liaison.

ACTION has a substantial record of achievement in making affirmative action work. The report of your committee singled out ACTION as one of ten agencies with at least 10 percent minority representation in the Senior Executive Service. In fact, 20 percent of all SES positions at ACTION are held by minority people. The report also singled out ACTION as one of ten agencies with more than 10 percent women in SES. In fact, 40 percent of ACTION's SES personnel are women. The Committee report also identified ACTION as an agency with a decrease in the number of women employees. More accurate figures which we have supplied the committee show that there has been an actual increase of 2.7 percent to a total of 54.3. Much of that increase has taken place at the higher grades. The action charts will give committee members a capsule summary of how ACTION compares with the rest of the Federal government.

ACTION's commitment to affirmative action is reflected in all aspects of our work—personnel policies, programming, and contracting. There is in our agency a broad-based consensus and commitment to making the affirmative action program work. Our commitment to affirmative action is continuous, substantial, and increasing.

Nine of the fourteen senior policy making positions at ACTION are held by either women, Blacks, or Hispanics.

Eight of ACTION's ten regional directors are women or minorities, five are women, three are black and two are Hispanic. Seven of those directors were appointed in the last three years.

Twenty of the Peace Corps' fifty-seven country directors or designates are Black or Hispanic. Of that number fourteen Black and six are Hispanic. All were appointed in the last three years.

Twelve women are currently serving as Peace Corps country Directors. Prior to 1976, no more than three women had served as Peace Corps country directors at any given time.

In ten countries the Peace Corps has developed a co-directorship where a husband and wife share the duties of country director. This is a unique endeavor, a first of its kind, within the federal government.

In addition, the country director in Jamaica, Don Galloway is blind. He is believed to be the highest ranking blind official in the federal government.

The figures cited above reflect our three year effort to broaden the spectrum of those who are involved in the decision making process in ACTION. Our effort to increase or maintain the percentage of blacks and minority groups within the ranks of our volunteers also has shown progress. Prior to 1978 no records of the race of volunteers were kept. All figures supplied to this Committee were estimates. For the last 3 years we have conducted an annual survey. Figures for 1980 will be available on October 1 and I believe that they will show further increases.

Within the last three years we have increased the representation of Blacks and Hispanics within the Peace Corps from 4.8 percent to 6.7 percent. We have recently completed the first Summer Intern program for minority volunteers from these underrepresented groups in co-operation with historically Black colleges; 30 percent of VISTA's volunteers are members of minority groups. This an increase of 7 percent over last year; 37 percent of the volunteers in our Foster Grandparent program are minority with all minority groups showing an increase in the last two years; 41 percent of our Senior Companions are either Black, Hispanic, or members of other minority groups; there has been no substantial increase in the percentage of minority volunteers who belong to the Retired Senior Volunteer Program although there has been a slight increase in the number of Asian/Americans who are now involved in this program.

I believe the 1980 figures will show substantial increase in the percentage of volunteers who are members of minority groups.

Taking affirmative action to bring Blacks, Hispanics, Native Americans, and other members of minority groups into the ranks of our volunteers is more than just equalizing past ommissions. It makes practical sense and gives both VISTA and the Peace Corps a greater legitimacy in the eyes of the people whom we help to help themselves. Locally recruited VISTA volunteers know their communities intimately and because of this knowledge they are better able to organize people around the concept of self-help. I also believe that an American foreign policy conducted only by whites in a world that is predominantly non-white will always be a foreign policy that is suspect. Service in the Peace Corps gives Black and Hispanic Americans encouragement to seek careers in various international fields.

It is also pertinent to discuss a class action suit which I inherited from the prior administration. In 1976 the agency union, AFSCME Local 2027 filed a third party class action suit claiming discrimination by ACTION. After concluding that it would be in the best interest of all and in the interest of justice, I directed the agency to enter into a stipulation of agreement in order to resolve this suit. Twenty-seven employees of the agency (Blacks, GS-9 or the equivalent and below) filed under the stipulation. Of that number twenty-one complaints have been resolved, three are presently being investigated, two are currently under conciliation, and one has been scheduled for a hearing before an independent examiner later this month.

Three other points may seem relevant to the committee members: the agency Upward-Mobility program for lower-grade employees in dead-end positions; the 8 (a) minority contract program; and ACTION's commitment to assisting community groups that have a large percentage of blacks, hispanics, or women.

In 1978, ACTION committed itself to moving lower-grade workers out of dead-end positions through an Upward-Mobility program. Fifteen employees were accepted into the program of whom fourteen graduated from GS-5 or GS-7 positions to career ladder positions extending from GS-9 to GS-11/12. Of the fifteen employees selected nine were Black females, four were White females, one was a Hispanic female, and one member of the class was a Black male. Currently an agency wide task force is reviewing all elements of our program for upward mobility and affirmative action. We expect to reflect their recommendations in our 1982 budget submissions and to implement as many as possible within our severely limited 1981 budget.

ACTION in the last year has increased its efforts to meet the full mandate of President Carter's commitment to minority business. Our efforts have been extensive from developing for the first time a working relationship with historically black colleges to holding our first domestic operations programming conference on the campus of Hampton Institute. In the first half of fiscal year 1980 ACTION awarded $1,667,000 In 8(a) contracts as compared to $1,588,300 in the entire 1979 fiscal year. ACTION will exceed $2,000,000 in 8(a) contracts to minority business in FY 1980. This represents significant growth. In 1976 the agency had only a total of $450,000 in 8(a) contracts. In percentage terms we have increased our minority business contracts from 3 percent of eligibility procurement in 1976 to 16 percent of ACTION's total eligible contract procurements in 1980. A chart showing the growth in 8(a) and other minority contracting is attached.

ACTION's commitment to affirmative action is also an integral part of VISTA's self-help philosophy. Much of VISTA's effort in the last three years has been to support those community self-help groups which have been organized by Blacks, Hispanics, Native Americans and Women. Groups being supported by VISTA include the Federation of Southern Co-operatives which has 100 volunteers assigned to it and the Housing Assistance Council (HAC) which is using 20 VISTA volunteers to improve government services in nine small and largely black Southern towns.

Other minority self-help groups being supported through VISTA include the National Federal of Farmworker Organizations which is sponsoring 45 VISTA's and the Coalition of Indian Controlled School Boards which now has 32 volunteers in eight different states. There are approximately 120 VISTA's working on 29 Native American projects throughout the country. Of the number, 60 are themselves of Indian-American descent. In addition, VISTA recently completed a national grant for 40 volunteers to the National Council of La Raza.

ACTION also takes some pride in its initiatives in helping displaced homemakers, victims of domestic violence and rural women. ACTION, as an agency, has some of the most extensive experience in addressing the issue of violence in the home. Sarah Vaughn, a VISTA volunteer, helped to create what is now recognized as the first modern shelter for battered women in 1974. At present approximately 600 ACTION volunteers are working in thirty states in about 100 domestic violence projects.

In 1978, ACTION took another step in developing a response to family violence by becoming the first federal agency to provide technical assistance through the National Technical Assistance Center in Ann Arbor to the volunteer groups that by and large have created and sustained the shelter movement in this country.

Despite a substantial record of achievement, a number of frustrations remain.

The Agency has made little progress in the critical areas of GS–7 thru 12. A brief glance at the attached chart indicates that our successes have largely come as a result of heavy recruitment or direct appointment at upper levels or at the entry level.

There are some common-sense reasons why our success has been limited in this critical area. Certainly the stiff competition for mid-level management jobs in the current economic environment is one source of the relative inability to achieve our goals in this area. Fewer people quit. For everyone who quits, there are more people standing in line. There are few bridge-building jobs which allow people to get from clerical series to the professional series. This is reinforced in our case by the absolute decline in total personnel in the last three years. While this has resulted in substantial cost savings for the taxpayer, it also reduces the opportunities for upward mobility for career public servants. Finally, the small size of the agency, coupled with a very decentralized workforce has an impact on access to jobs. It is rare that a program officer position in Alabama will genuinely be open to the aspiring minority candidate or woman located in Washington. Even if such an opportunity should occur it is not likely that it would be attractive to many Washington-based people.

The second general area of frustration has been with regard to our inability to adequately represent Native Americans and Hispanics in the workforce. The reasons for this are not clear. As a matter of programming, we work with a substantial number of people both in the Hispanic community and with reservation and non-reservation Native Americans. Consequently, the specific need for people of Hispanic and Native American backgrounds and access to Hispanic and Native American communities would seem to argue that we should have success in this area. Yet, the statistics are dismal. I frankly don't know the reason for this and would be interested in any information which the Committee may have from other agencies to see if this is a common problem.

My third concern is in the area of minority representation in the Peace Corps. A series of measures, including substantial increases in the number of minority recruiters, heavy advertising in the minority communities and through minority media, contact with many of the historically Black institutions for recruitment, more Peace Corps overseas minority staff, an agency wide task force with substantial budget to work on minority recruitment, and a substantial effort on the part of senior staff to recruit and speak on historically Black campuses, as well as, working with minority groups on public university campuses, has failed to make the change for which we hoped.

It is said by some that there are various reasons for this failure: the stiff competition for the most talented graduates of minority institutions by private sector employers; the substantial debts frequently incurred by these college graduates which prevents them from postponing careers for two years; the historic image of Peace Corps volunteers being middle class and white and the unwillingness of potential volunteers to leave the country when there is a tradition of close family ties and obligations for full or partial support of families are among the reasons cited. Whatever the reason, after three years of substantial effort and expenditures, we have moved from only 4.8 percent minority volunteers to 6.7 percent. While this is an increase of about 30 percent in absolute numbers, it is nowhere near the goal of making the Peace Corps more accurately reflect the breadth and diversity of the American people.

Conversely, as I have mentioned previously, we have had dramatic success in recruiting minority volunteers for VISTA. However, we are not able to fulfill the agency's obligations to provide career development and training for these volunteers as mandated by Congress. This inability to provide Congressionally mandated training and career development extends to the staff of the agency also. Part of the reason lies in ACTION being funded by a continuing resolution for the past three years. We have made gains in career development and training even during this difficult period. However, we do not have an adequate career development and training program. This is a source of great frustration. We have a congressional mandate to provide additional career opportunities for our staff, but we are unable to do so because Congress does not provide the funding. Each year for three years we have requested funds and each year the Congress has failed to act.

Let me conclude with a comment on the ability of the EEOC to handle discrimination complaints. The EEOC seems to be hampered by a lack of investigators. This prevents a timely and prompt response to complaints. One complaint filed by an employee of ACTION has not been completed by the EEOC even though it was filed over eleven months ago. The investigation was completed last January and we have yet to receive a final report. Such a delay only discourages people from seeking legitimate redress through the EEOC process and is an injustice to those who seek such a redress. It suggests that ending discrimination with-in the federal government, where it should first be ended, is not a matter of great importance.

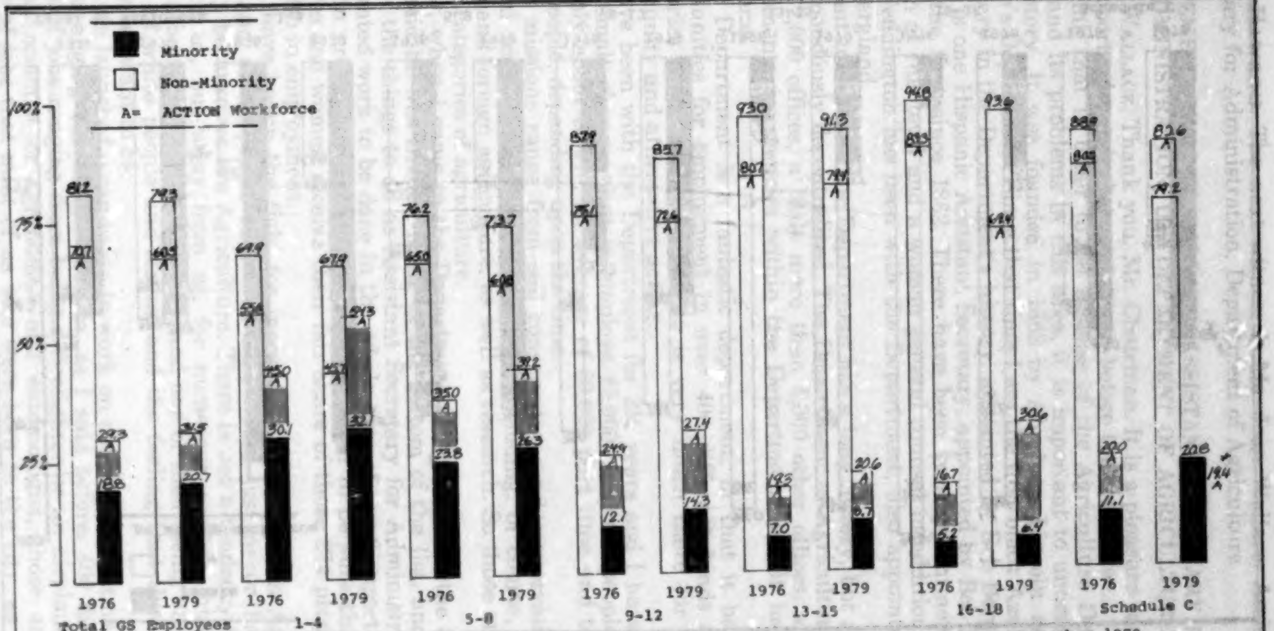
I will be happy to answer any questions. Thank you.

SMALL DISADVANTAGED BUSINESS GOALS, SECTION 8(a) OF SMALL BUSINESS ACT

	Goal	Actual	Percent of goal	Percent of total eligible procurements
Fiscal year:				
1980	$1,650,000	[1] $1,667,000	101	16
1979	750,000	1,578,358	210	16
1978	500,000	447,446	89	4
1976		254,255		3

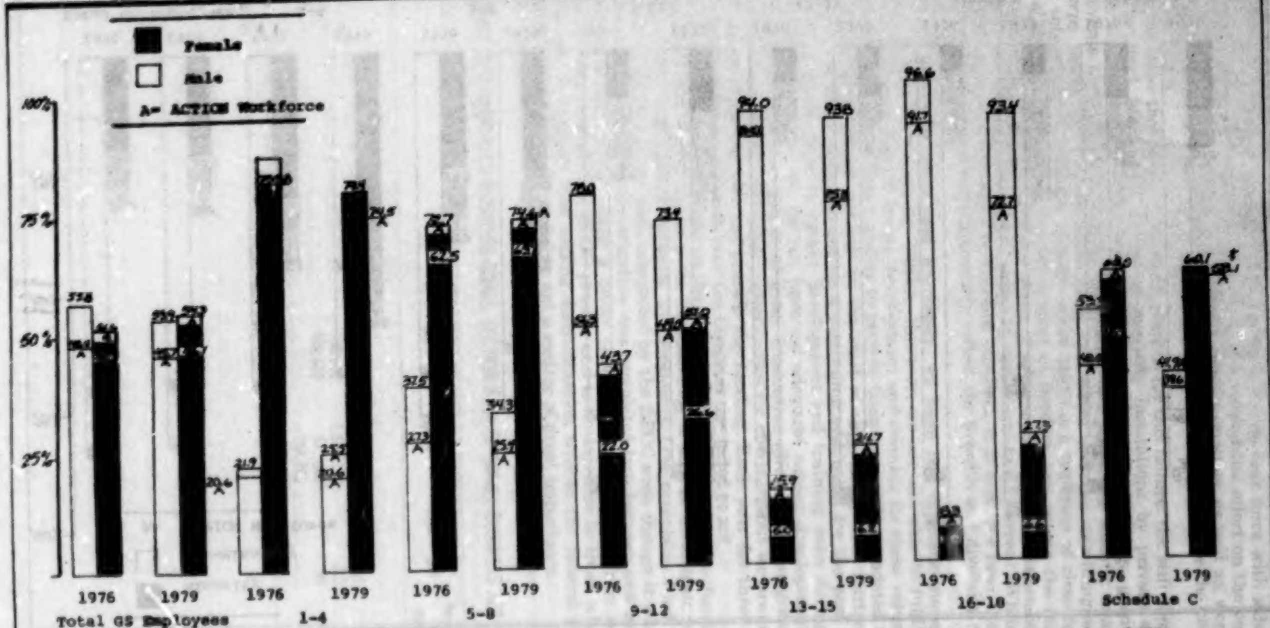
[1] First 2 quarters.

Selected Federal Workforce/ACTION Summary Minority--Non-Minority Employment Profiles 1976 and 1979



*Currently, minority persons represent 25% of ACTION Schedule C employees, an increase of 5.6% over December 1979.

Selected Federal Workforce/ACTION Summary Male - Female Employment Profiles 1976 and 1979



*Currently, female personnel represent 65.6% of ACTION Schedule C employees, an increase of 7.5% over December 1979.

Mr. **Hawkins.** The next witness is Ms. Joan Wallace, Assistant Secretary for Administration, Department of Agriculture.

STATEMENT OF JOAN WALLACE, ASSISTANT SECRETARY FOR ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE

Ms. **Wallace.** Thank you, Mr. Chairman. It is a pleasure to have this opportunity to be here, to appear before the committee.

I think that in order to get a sense of the Agriculture Department and its problems in this area, it is important to understand its history. It was founded in 1862 by Abraham Lincoln as the People's Department. Since that time I am the first black Assistant Secretary in the Department's history, appointed by Bob Bergland. There is one Hispanic Assistant Secretary, appointed by Bob Bergland, the first since 1862. There have been two appointments of women at this level and a woman general counsel in addition, and Ms. Weddington has been with the Department, also appointed by Bob Bergland.

I want to say that the Department has a long history, but also it is tremendously decentralized. The Department of Agriculture has over 12,000 offices, a little more than 5,000 other offices, and 21 departments or agencies within the Department, and it has 274 programs.

The Department is a fantastic department, in that it has the opportunities for employment in over 400 different kinds of job categories and so the opportunity is very much there for equal opportunity and affirmative action.

I have been with the Department for 2½ years and I have seen some small changes, but it employs 85,000 full-time people and probably about 50,000, an average of 50,000 part time and temporary people, depending upon the time.

Our missions range from soil conservation and conservation of natural resources to consumer issues, including, of course, rural issues and foreign agriculture, as well as research. So those are five major categories of agriculture.

Now, when I came to the Department of Agriculture, the Secretary said he was tired of being at the bottom of the list, and that one of the things to do as Assistant Secretary for Administration, he wanted work to be done in the whole area of equal opportunity, both in program delivery, because we wanted to be sure that minorities and women receive their fair share of those 274 programs, but also in employment.

We have begun the fight for increased employment in Agriculture and many people said that that would just never happen, simply because we are Agriculture. There is not a tendency to run toward us, but away from us, for numerous reasons, historical discrimination being one of them, and one of them being around a place of white people and slaves, and the feeling that this is not where we want to be.

So, we launched a campaign to work on not only recruitment but also changing our image, because, as I said before, 400 different kinds of jobs ranging from being a firefighter or an airplane pilot or soil scientist or agronomist and entomologist, those are the kinds of jobs that most of us who were born in the city, as I was, were not aware that we had in agriculture.

So we worked very hard. One of the recent things that has happened is that we have finally found and we have copies of a publication about the minorities and women who are in agriculture, so that we can say to people out there, "Yes, there are jobs in agriculture."

I have personally been all over the country, talking about Agriculture and its opportunities in programs and in opportunities in employment. In doing that, I have learned that most people just don't know they are there. They go to HEW, or to ACTION, or to Commerce, and those are the avant garde things, the agencies. It seems to me that if it excites me, having been isolated from a department like this, then it ought to excite a lot of other people.

We have increased our minority employment over that 2-year period at eight times the rate for the last 8 years. In fact, when we came to Agriculture we noted the number of blacks that had been hired, and that same figure had lasted for 4 consecutive years, yet people were telling us that they were not hiring.

We have been pleased that the combination of minorities and women has increased approximately close to 5,000 in the 2 years, which is really nothing in terms of totally what you want to see happen, but given the decentralized nature of our department and our efforts to move from the top down, it has been a time-consuming process.

Additional things we have done in the Department have been to first get a data base. We learned that not only did our 21 agencies not know what they had or what their needs were, they didn't know what the figures were.

So we worked very hard to develop a tracking system, where we identify the 25 most populous occupations out of the 400. We worked with each agency to look at each of these occupational series, and worked specifically on those. Those occupations had to go above grade 11 because we were very much interested in impacting at a higher level as well as in the lower echelons of the Department.

So the development of that tracking system was a very important piece. We had to do some revisions, as we have, and we received new guidelines; but this was prior to that, because we had to have it. We felt that we had to put a system in place so it didn't make any difference who the leadership was.

In addition, we have moved to doing something which you spoke to OMB, to put affirmative action and equal opportunity in the budget hearings themselves. When each of the agency heads of the 21 agencies comes before the Secretary to prepare and present their budgets, we have prepared the Secretary with questions and statistics about not only equal employment but also program delivery and minority business goals, because we want the agencies to be conscious of this.

We have seen a change in people's attitudes and behavior. I don't know whether their attitudes have changed, but their behavior has changed in terms of wanting to put forth the kinds of things they are doing now. I think people have changed.

Some attitudes were such that it was hard to believe what they were, because they were traditional attitudes. I have seen people who started to make great gains and I was impressed with that.

The Secretary has been terribly committed and asks for reports very frequently. He has financed these outreach seminars where we have pulled in people from all over the country, particularly from areas of black and Hispanic populations.

We have implemented and have been working very hard to implement the President's directive on enhancing the historically black colleges, because Agriculture has a special relationship with the universities. The land-grant colleges, like Ohio State, are called the 1862 colleges, because they were established in 1862. In 1890, however, there were 17 other colleges that were established that are predominantly black and historically black.

So, we have taken a special interest in that group, seeing them as resources both for us in terms of educating people able to fill the Agriculture jobs—and we have worked very hard on that, giving grants and getting the group of presidents from those colleges to present us a proposal to enhance their resources—and thereby work on career goals and career recruitment for the Agriculture Department.

We have placed over $100 million over this year; it will be $100 million in minority banks, because we feel that that is economic development.

We have a centralized personnel system so we are able to gather data and to know where we stand now.

We have also tripled, more than tripled, the number of contracts given to minority businesses, starting with $12 million in 1977 and now about $39 million to minority businesses. We expect a $12 million contract to come forth by the end of the month, an additional one.

We have worked with apprenticeship programs that the President has set out to have young people come and work during the summer in our laboratories, because we are an agency that has a large scientific population, to interest them in careers in scientific careers, particularly in agriculture.

We called two conferences on world youth employment, nationwide, to look at the problems of minority youth and to talk about how do we transfer people's skills from industries that are going under to an industry that is not going under—food. We are working very hard to try to do something about that transferability, because we need to find people. The biggest fight I have is that we can't find them. We are trying to turn that around.

We committed ourselves to 80 jobs this summer through the OPM and Labor Department programs for Hispanics—clerk-typists, and we were cut back to 55 slots by OPM, but we did commit to 80 slots, and we felt we could increase that with Hispanics.

We are using the Cooperative Education Program and we have increased from 618 persons in 1977 under that program, to 1,486 participants. That is the program where you make contracts with colleges and universities. We have a much larger increase in the percentage of women and minorities in that program.

We are using the delegated authority that came out of the Civil Service Reform Act to bring closer to us the hirings, and we don't have to deal with registers. I know that it means more work for all of our staff to not let OPM do the job, but we were the first of the agencies to say we wanted to use the delegated authority for competitive staffing. We felt that autonomy and authority and ability to do the jobs means that you have to sacrifice something. So we have moved in that area.

We have seven agencies that have been granted staffing authority, and six additional agencies who have requested it and are still pending.

We have increased the number of minority SES's and I believe when I came we had three or so in the Agriculture Department. We have lost 2 by retirement and we now have 14, which is very poor from our perspective, but it is a beginning in terms of increasing minorities and women.

We have increased some in the SES to 17, and there were four in 1977.

One of the ways that we are trying to attempt to move people to the Senior Executive Service is through an outreach program. We have 31 candidates waiting to go into SES; a third of those are minorities and women. In addition to that we are moving to reach out not only moving people from inside the system but also to go out and recruit outside the system. We are on a second set of candidates in our search, and there will be 4 from outside and 40 to be selected from inside, again moving into the Senior Executive Service.

We have one other thing I would like to mention that we have been concerned with, and that is the burden, and where the burden is placed in this whole area.

We have found in Agriculture and I suspect it happens throughout Government, that the EEO people, affirmative action people, or the minority business people, are the ones who take the blame if the job is not done. We have been very concerned about that feeling, in fact, so concerned that we have made it a critical element in the performance of appraisal systems for senior executives.

A critical element means that if they do not do this, they will not be retained in government. We have made it a critical element that equal employment opportunity initiatives must be a part of the management task. Our feeling is the burden does not belong on the EEO officers, but the burden belongs on the manager, because that is the only person who has the resources and the responsibility for hiring.

As I came to the Government, I believe the affirmative action plan that was on my desk said that we spent $17 million on affirmative action. My view was, if you gave me $17 million I could hire anybody you wanted me to hire, but the question of how you use those resources and where the burden lies is a very important one for all of us to continue to remember.

I would like to thank you, Mr. Chairman.

Mr. HAWKINS. Thank you.

Mr. HAWKINS. Mr. Saylor, may I personally welcome you. I have been associated with you in another capacity and I have enjoyed that association. I know that you have a very difficult job as the Acting Public Printer. As the acting chairman of the Joint Printing Committee, I know what an active position that really turns out to be. We are delighted to have you before the committee this morning.

STATEMENT OF SAMUEL C. SAYLOR, ACTING PUBLIC PRINTER, U.S. GOVERNMENT PRINTING OFFICE, ACCOMPANIED BY WALTER C. DeVAUGHN, ASSISTANT PUBLIC PRINTER FOR MANAGEMENT AND ADMINISTRATION AND DIRECTOR OF EQUAL EMPLOYMENT OPPORTUNITY; AND CHARLES B. PERRY, DEPUTY DIRECTOR, EQUAL EMPLOYMENT OPPORTUNITY

Mr. SAYLOR. Thank you for paving the way for me. I am pleased to appear before the subcommittee to discuss equal employment opportunity in the Government Printing Office. I would like the record to show that I have with me Mr. Walter C. DeVaughn, Assistant Public Printer for Management and Administration, and Director of Equal Employment Opportunity; also the Deputy Director of Equal Employment Opportunity, Mr. Charles B. Perry.

Former Public Printer John Boyle, in his testimony before the Senate Rules Committee on his confirmation, pledged to further strengthen the Equal Employment program in the Government Printing Office. In carrying out that pledge, the Office prepared its first multiyear affirmative action plan, covering fiscal year 1977–1980. The plan focused on recruitment, hiring, promotions, full utilization of skills and upward mobility. However, we have operated under handicaps which have impacted on our ability to fully achieve the program goals.

The Government Printing Office, in its long-range planning, always sought to stay abreast of the state of the art and reap the benefits of increased productivity and reduced costs associated with automation. However, automation gains had a negative transitional effect on employment. It created a no-growth situation at the very time we were in need of extra employment opportunities as an aid in achieving our EEO goals. This, coupled with the Federal external hiring freeze in those few areas which were still available to us, seriously hampered our efforts.

In spite of these handicaps, GPO has set goals that when achieved will significantly enhance the representation of minorities and women at all grade levels and selected occupational areas. For the reasons I have indicated, our most populous occupations—the wage grades—have been void of hires for the past several years due to automation, and that condition will continue for some years in the future. Therefore, our goals must necessarily be focused on white-collar positions.

The Equal Employment Opportunity Commission has been particularly cooperative with us on this matter. The Agency has tentatively been given permission by EEOC to set its affirmative action goals on the combined professional occupations—102 employees, technical—357 employees, and administration—703 employees.

The Equal Employment Opportunity Commission guidelines require implementation of the Federal equal opportunity recruitment program, and the GPO is intensifying its recruitment efforts, both internally and externally, within the constraints imposed, to eliminate identified underrepresentation of women and minorities.

We have also expanded upon our systems to measure progress in this area. By concentrating on the professional, administrative and technical occupations, I believe we can realistically improve in the most serious areas of underrepresentation.

I have issued a strong policy statement and positive steps have been taken to assure that EEO policies are clearly understood by all employees and management officials. The EEO directorship is at its highest level—Assistant Public Printer—in the Office's history.

While our accomplishments are not at the level I would wish, the GPO plan is making measurable progress in hiring and promoting minorities and women and diminishing discriminatory barriers, and goes beyond the specific EEOC requirements for fiscal year 1980 program plans.

The EEOC is new at handling EEO complaints in the Federal sector and, as would be expected, is having some growing pains. However, we expect to see that agency up to speed in a very short period of time.

The Government Printing Office intends to improve its underrepresentation irrespective of its present handicaps and its declining work force—a drop of 1,377 employees in the last 5 years. This will not be accomplished in a short period of time but should reach fruition at the end of our next multiyear affirmative action plan.

Mr. HAWKINS. Thank you.

In the drop of 1,377 employees in the last 5 years, would you say that there has been a disproportionate number of minorities in that figure? Did that make it less representative?

Mr. SAYLOR. It did make it less representative, which added to our problems.

Mr. HAWKINS. Do you anticipate a diminishing work force, or do you anticipate, despite the changeover to a new process, that affirmative action will still be able to operate?

Mr. SAYLOR. Mr. Chairman, I see affirmative action, upward mobility in the Government Printing Office continuing to operate, not to the degree I would want to see it operate but it will be operating, and we will have a further increase in our work force. This will all be done through attrition and there are no plans for a RIF, reduction in force, situation.

I think that through retraining, reassignment and waiver of qualifications, we will be able to retain our permanent work force, and we will still be able to have significant trends, not reaching our goals as soon as I would like, but significant trends that will surely indicate that our goals will be met when the conditions become normal again.

Mr. Petri, do you have any questions?

Mr. PETRI. No.

Mr. BROWN. In the enthusiasm of the moment and at the beginning of my testimony, I neglected to do two things which I should have done. One is to ask that my formal testimony be submitted for the record; and the second was to introduce Janet B. Watlington, Assistant Director of the Office of Congressional Liaison, and I would appreciate it if you could have my formal statement inserted.

Mr. HAWKINS. Without objection, all the testimony of the witnesses will be entered in the record at the point where they spoke.

Ms. Wallace, we certainly appreciate the specific ways in which you indicated that the Department is pursuing its affirmative action obligations. We hope that it will bring results, because, as I indicated at the very beginning, that is the value that we have in compiling records; it gives us a guideline by which we can measure progress.

I certainly want to commend you for the progress you have made; however, I think you must concede that the Department is one of those which has been rather slow in making that progress. We hope that you will help to change the image.

Certainly we want to thank the witnesses for their testimony.

The final panel consists of: Ms. Marylouise Uhlig, president of Federally Employed Women; Mr. John Cosgrove, director of legislation, Public Employee Department, AFL-CIO; Ms. Louise Smothers, director, Department of Women's Affairs, American Federation of Government Employees; and Ms. Elaine Smithson, president, local 2027, American Federation of State, County and Municipal Employees, Action-Peace Corps.

PANEL OF WITNESSES: MARYLOUISE UHLIG, PRESIDENT, FEDERALLY EMPLOYED WOMEN; JOHN COSGROVE, DIRECTOR OF LEGISLATION, PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO; LOUISE SMOTHERS, DIRECTOR, DEPARTMENT OF WOMEN'S AFFAIRS, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES; and ELAINE SMITHSON, PRESIDENT, LOCAL 2027, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, ACTION-PEACE CORPS

Mr. HAWKINS. We welcome you and hope that we will not be interrupted by the bells of the House. However, we will proceed and try to get in as much of your testimony as possible. All of the witnesses' statements as presented to the committee will be entered in the record in their entirety. We would hope that the witnesses, in view of the fact that we will be under some time restraint, will make their presentations brief.

Ms. Uhlig you may proceed.

STATEMENT OF MARYLOUISE UHLIG, PRESIDENT, FEDERALLY EMPLOYED WOMEN, NATIONAL PRESS BUILDING, WASHINGTON, D.C.

Ms. UHLIG. Federally Employed Women, FEW, wants to convey our appreciation for this opportunity to express our feelings before this committee. In the interest of time I will try and be brief this morning.

Federally Employed Women, which was founded almost 12 years ago for the purpose of ending sex discrimination within the Federal Government, appreciates this opportunity to express our perceptions of the progress being made by women and minorities in the Federal work force.

Looking at the report prepared by your subcommittee staff, our perception is that the progress, while measurable, has been frustratingly slow and incomplete. To read that minorities' progress has been slight, and has not significantly changed the distribution of minorities in the Federal work force and that women continue to be concentrated in the lower salary grades, with women representing nearly 80 percent of all employees at or below GS-4 is hardly heartening.

You have asked us to focus on the efforts of the Office of Personnel Management and EEOC and the implementation of section 310 of the Civil Service Reform Act and section 717 of the Civil Rights Act of 1964.

We feel certainly that this legislation has provided mechanisms by which these agencies can promote equal opportunity for women and minorities. One such mechanism is the Federal equal opportunity recruitment program, FEORP, established under section 310, title III, of the CSRA.

Section 310 directed the Federal Government to establish a minority recruitment program that would eliminate underrepresentation of minorities in the various catgegories of civil service employment within the Federal service. Underrepresentation is considered to exist when the percentage of minority members in a given civil service category is lower than the percentage of that minority within the U.S. labor force.

The intent of FEORP is to eliminate underrepresentation of women and minorities in the Federal Service by increasing the number of women and minority applicants. This should, in turn, increase the number of selections and hires of qualified women and minorities.

We have perceived two areas of great concern to us in terms of the implementation of FEORP.

First, policy put forth by OPM requires certain steps be taken to determine if there is underrepresentation in a particular job category. Specifically, the policy states that the agency or field installation should look at the percentage of women and minorities in the U.S. labor force as of the latest census, and see that as a basis of determining underrepresentation in the job category.

However, some agencies are looking only at the percentages of women and minorities in the relevant labor force. In other words, rather than look at total percentages, the agencies or field activities are looking at the status quo in that particular job. If there are fewer women and minorities in that particular job in the civilian sector than there are in the job within the agency/activity, it is determined that no underrepresentation exists; yet a comparison with total labor force percentages would show that underrepresentation does indeed exist. This simply ensures that the discrimination encountered by women and minorities in the private sector is perpetuated in the Federal workplace.

This decision to use relevant labor force percentages has in some categories excluded all minorities; in others it has excluded minority women because the particular job is typically filled by a nonminority woman. The use of the relevant labor force has also been used to exclude women from male-dominated fields.

FEW feels very strongly that OPM should clarify this policy, to ensure the use of total labor force figures; and OPM should closely monitor the results. Extensive or continued use of relevant labor force percentages could totally frustrate the intent of FEORP.

A second area of concern with regard to FEORP implementation springs from comments we have heard repeatedly: EEO staffs are overburdened by the paperwork necessary to implement FEORP.

Since all staff members are designated to work on FEORP implementation, their own specific EEO programs are not getting done.

Perhaps a more efficient method of implementation can be designed; then we would know if the paperwork really has been burdensome, or if it has simply been used as an excuse by agencies who are less than enthusiastic about FEORP.

Over all, FEW feels OPM has provided guidance to implement FEORP quickly and, with the exception of the question of relevant labor force, clearly. OPM has indicated that their guidance in many instances lacked specificity because they expected managers to use the increased flexibility given them under the CSRA to manage the program.

Regrettably, this lack of specific guidance seems to have communicated to some managers that FEORP is a low priority item. In its report to the Congress in February of 1980, the GAO noted that they found that agencies had made very little progress in complying with the specific requirements of the regulation. It would seem prudent, therefore, for OPM to clarify their expectations to these managers.

With regard to section 717 of the Civil Rights Act of 1964 and Executive Order 11478, it is FEW's position that while some progress in affirmative action has been made as a result of these, there are still significant impediments to their full implementation within the Federal service.

Some of these impediments are structural in nature. Two of the most glaring, in our view, are veteran's preference and wage discrimination.

Unlimited use of veteran's preference continues to be a tremendous barrier to equal opportunity for women and nonveteran minorities. One out of two—or every other Federal employee—is a veteran. This compares with one out of four in the private sector. Seventy-five percent of the 14,603 registers in the Federal Civil Service have veterans at the top; one-fourth to one-third of veterans use preference more than once.

During reductions in force, veterans are the last to lose their jobs; a nonveteran with more seniority than a veteran will still be riffed before the veteran.

That veteran's preference acts as an impediment, particularly to women, has been acknowledged. EEOC and OPM, in filing an amicus curiae brief to the Supreme Court in 1978 in *Feeney* v. *the Personnel Administrator of Massachusetts,* state that the proportion of women hired is lower because of the federal women's preference . . . Additionally, the brief points out: The effect of the federal veteran's preference turns in part on economic conditions. Thus, the adverse impact on women is magnified at the present time because of large numbers of applicants and few vacancies.

Conditions in this "present time" are not in women's favor, either; and this adverse effect must surely be similarly felt by minority nonveterans as well.

FEW continues to support the idea of modification to the veteran's preference laws. Basically, we advocate a one time use only and limitations and modifications to the RIF provisions. We feel modification to the veteran's preference laws are basic to reducing the structural impediments currently encountered by women in the Federal service and by those women who would enter the Federal service.

Wage discrimination as a structural impediment is perhaps harder to get a handle on than the blatant barrier of veterans' preference. The questions we must ask are, why are women not making the kinds of gains we would expect in the face of legislation to ensure those gains? Why do salaries for women continue to lag behind those of men?

FEW feels, and others share this perception, that women's wages are depressed because the work that women do—just women's work—is undervalued. This sex bias toward the value of women's contribution often works its way into the job evaluation system, including that of the Federal Government.

While OPM's new Factor Evaluation System—FES—appears to be sex neutral on the surface, the statistics would indicate it is not as neutral as we would have it. In looking at FES we must remember two things: (l) It was tailored to fit a job classification system which had been in place for over 50 yers; and (2) the relative values assigned to various skills were virtually unquestioned.

It is FEW's contention that the FES, however sophisticated, works to the advantage of men by assigning greater worth to predominantly men's jobs, and to the disadvantage of women by assigning less value to the components of those jobs predominantly filled by women.

FEW has recommended to EEOC that the wage discrimination inherent in the present system can be alleviated if (a) job segregation based on sex be declared as a major cause of wage discrimination; (b) the depression of wages resulting from the concentration of employees of one sex be determined to be a violation of title VII; (c) FES is evaluated for social and sex bias by an independent research group; and (d) OPM will conduct a thorough study of the traditional "women's jobs" series to examine expanding career ladders, cross-training, bridging, et cetera, to ease access of women to higher paid occupations.

In addition to these structural impediments, FEW perceives important policy impediments as well.

Paramount among these are pay reform, the locality pay provisions of which will serve only to perpetuate discriminatory pay practices, and which will adversely impact disproportionately on women and minorities; contracting out, which when combined with veteran's prefernce works to bump women completely out of a job; and the delays in implementing the Part Time Act—P.L. 95-437, an act which will provide a viable way to balance career aspirations and child-rearing responsibilities.

FEW is strongly opposed to the proposed pay reform and strongly supportive of legislation to control contracting out and of the full implementation of the Part Time Act.

Finally, the subcommittee has asked that we address EEOC's handling of Federal EEO complaints.

At this time we see potential problems with the handling and processing of complaints by EEOC. One trend which concerns us is the EEOC's emphasis on the number of cases processed and the reduction of processing time. A pilot program announced in July of 1979 sought to explore a number of techniques designed to provide adequate investigations in the most expeditious manner. One technique is to replace the current hearing procedures with an investigative hearing.

FEW is not alone in its concern about the decrease in the amount of time alloted to investigate a complaint, as proposed in the pilot program, and over the apparent elimination of the requirement for a hearing. We feel the investigative hearing, which is discretionary, is subject to being conduced in a subjective and biased manner.

FEW strongly feels that the right to a hearing, as mandated by legislative intent, must be preserved. Additionally, FEW feels that the emphasis on early settlement and fast processing could be detrimental to many women who file complaints. We are encouraging women who have been sexually harassed to file formal complaints. Procedures of the kind being suggested could make complainants withdraw or settle, when they really should prosecute their claims.

In summary, FEW is aware that the kinds of changes we want to see in the structure of the Federal work force—and within our society as a whole—are the kinds of changes which take time. Although we do not feel that sufficient progress is being made as quickly as it could be made, we do recognize the value of the changes that have been brought about.

We will continue to work for the kind of Federal service and the kind of society that we believe in, and we appreciate the continuing interest of this subcommittee in the goal of equal employment and advancement opportunities for women and minorities in the Federal workplace.

Thank you for this opportunity to testify.

Mr. HAWKINS. Thank you.

Our next witness is Mr. John Cosgrove, director of legislation, Public Employee Department, AFL-CIO.

STATEMENT OF JOHN COSGROVE, DIRECTOR OF LEGISLATION, PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO

Mr. COSGROVE. If I might, first I would like to note that you have here before the subcommittee this morning the greatest possible expertise you could assemble. We work with not only the women in defense of the retirement rights and disability rights of postal and other employees, but also with our brother union the American Federation of Government Employees, who will appear this morning through Ms. Smothers, which is the major Federal union of our organization.

We represent, in fact, 35 affiliated unions, and so our interest, of course, is as others would be, as taxpayers and citizens, but also especially as those people viewing the question before the subcommittee from the perspective of public employees, again at each level of government.

In that regard, I want to particularly compliment the subcommittee on addressing this extremely important question of fair employment opportunity.

The importance of it, I guess, can't be overstated and certainly it needs no promotion here.

The setting of an example for the private sector has been something that started under President William Tyler, that far back, as the Chair no doubt knows. But this has not only been the practice of the Federal Government consistently, although generally it has been so, to set employment standards with particular reference to its own employees.

You would think this is an area in which they could continue to provide leadership, and it has done so only inefficiently at best. We are gratified that there is some advancement in that.

I would like to supplement our brief statement with some data, with the concurrence of the Chair, from OPM, some statistics which I have here, and which I will submit for the record.

Mr. Hawkins. Without objection, the material will be entered in the record at this point.

[The information referred to above follows:]

TABLE I.—WOMEN AND MINORITY BREAKDOWN, ALL AGENCIES SUMMARY

	Total all employees			Total minority employees			
	Number	Women	Percent	Number	Percent	Women	Percent
Total General Scheduled and Equivalent	1,429,657	615,343	43.1	258,822	18.1	154,002	10.8
GS-1	1,952	1,277	65.7	894	46.0	583	30.0
GS-2	21,405	15,818	74.1	6,996	32.8	4,841	22.7
GS-3	94,614	73,187	77.5	28,914	30.6	21,291	22.5
GS-4	173,770	134,602	77.5	48,896	28.2	36,579	21.1
GS-5	185,132	126,060	68.1	46,416	25.1	31,291	16.9
GS-6	87,064	60,560	69.6	22,038	25.3	15,729	18.1
GS-7	130,856	64,831	49.4	25,140	19.2	14,894	11.4
GS-8	32,535	16,374	50.3	6,138	18.9	3,825	11.8
GS-9	155,159	54,455	35.1	23,847	15.4	11,328	7.3
GS-10	26,354	8,547	32.4	3,714	14.1	2,003	7.6
GS-11	158,044	30,621	19.4	18,155	11.5	6,401	4.1
GS-12	153,147	16,997	11.1	13,950	9.1	3,316	2.2
GS-13	112,022	7,670	6.8	7,795	7.0	1,231	1.1
GS-14	58,811	2,878	4.9	3,667	6.2	450	.8
GS-15	31,961	1,435	4.5	1,927	6.0	215	.7
GS-16	4,699	159	3.4	242	5.2	14	.3
GS-17	1,694	55	3.2	77	4.5	6	.5
GS-18	436	16	3.7	18	4.1	3	.7
Average grade	8.22	5.93		6.54		5.61	

TABLE II.—WOMEN AND MINORITY BREAKDOWN, ALL AGENCIES SUMMARY

	Total all employees			Total minority employees			
	Number	Women	Percent	Number	Percent	Women	Percent
Total wage grade employees (regular nonsupervisory)	336,274	29,083	8.7	106,276	31.6	16,195	4.8
WG-1	9,241	3,831	41.6	5,095	55.3	2,413	26.2
WG-2	25,134	8,169	32.6	14,212	56.6	5,669	22.6
WG-3	13,802	3,458	25.1	7,707	55.9	2,299	16.7
WG-4	12,239	3,245	26.6	6,292	51.5	1,968	16.1
WG-5	35,971	3,648	10.2	15,099	42.0	1,463	4.1
WG-6	23,705	1,589	6.7	10,542	44.5	682	2.9
WG-7	19,582	1,256	6.4	8,123	41.5	382	2.0
WG-8	35,160	1,975	5.6	10,656	30.3	823	2.3
WG-9	32,026	777	2.4	7,538	23.6	213	.7
WG-10	87,040	943	1.1	16,167	18.6	246	.3
WG-11	27,085	157	.6	3,446	12.7	29	.1
WG-12	10,446	26	.2	1,014	9.7	6	.1
WG-13	3,581	8	.2	304	8.5	2	.1

TABLE II.—WOMEN AND MINORITY BREAKDOWN, ALL AGENCIES SUMMARY—Continued

	Total all employees			Total minority employees			
	Number	Women	Percent	Number	Percent	Women	Percent
WG-14	1,160	3	.3	78	6.7		
WG-15	102			3	2.9		
WG–Average grade (WG)	7.54	3.94		6.09		3.33	

TABLE III.—MINORITY EMPLOYMENT AS A PERCENTAGE OF TOTAL EMPLOYMENT FOR FEDERAL GENERAL SCHEDULE AND EQUIVALENT, 1972 VERSUS 1977

[In percent]

General schedule grades	1972			1977		
	Minority employment by grade	Cumulative by grade	Total cumulative of employment by grade	Minority employment by grade	Cumulative by grade	Total cumulative of employment by grade
GS-1	56.3	0.9	0.3	46.0	0.3	0.1
GS-2	33.2	5.7	2.6	32.8	3.0	1.6
GS-3	29.5	20.2	10.4	30.6	14.2	8.3
GS-4	26.2	40.7	23.0	28.2	33.1	20.4
GS-5	22.7	58.8	35.7	25.1	51.0	33.4
GS-6	21.0	66.9	41.9	25.3	59.6	39.4
GS-7	16.0	75.4	50.4	19.3	69.3	48.6
GS-8	14.9	77.5	52.7	18.9	71.6	50.9
GS-9	11.8	85.9	64.1	15.4	80.9	61.7
GS-10	7.0	86.6	65.6	14.1	82.3	63.6
GS-11	8.0	92.0	76.6	11.5	89.3	74.6
GS-12	6.2	95.8	86.3	9.1	94.7	85.3
GS-13	5.0	98.1	93.8	7.0	97.7	93.2
GS-14	4.9	99.3	97.4	6.2	99.1	97.3
GS-15	4.7	99.9	99.6	6.0	99.9	99.5

Source: Minority Group Employment in the Federal Government, 1972-1977—GSC.

TABLE IV.—MINORITIES AND WOMEN AS A PERCENTAGE OF FWS EMPLOYMENT

	Minority	Women		Minority	Women		Minority	Women
WG-1	55.3	41.6	WL-1	62.1	68.6	WS-1	64.9	24.2
WG-2	56.6	32.6	WL-2	69.1	26.5	WS-2	68.6	27.5
WG-3	55.9	25.1	WL-3	62.5	25.7	WS-3	53.8	17.5
WG-4	51.5	26.6	WL-4	54.9	21.8	WS-4	44.6	8.0
WG-5	42.0	10.2	WL-5	48.4	3.8	WS-5	38.9	3.5
WG-6	44.5	6.7	WL-6	45.9	3.5	WS-6	34.3	3.9
WG-7	41.5	6.4	WL-7	37.1	3.1	WS-7	27.4	3.3
WG-8	30.3	5.6	WL-8	36.3	3.4	WS-8	18.7	1.6
WG-9	23.6	2.4	WL-9	15.4	.5	WS-9	13.2	.3
WG-10	18.6	1.1	WL-10	12.1	.1	WS-10	12.0	.1
WG-11	12.7	.6	WL-11	8.2	.2	WS-11	11.0	.5
WG-12	9.7	.2	WL-12	9.7		WS-12	9.5	
WG-13	8.5	.3	WL-13	11.4		WS-13	7.2	
WG-14	6.7	0	WL-14	8.0		WS-14	7.7	
WG-15	2.9	0	WL-15			WS-15	5.8	.2
						WS-16	8.7	
Average	30.7	8.7		29.7	5.7		21.9	3.3

Source: All Agencies Summary, EEO Statistics, Nov. 30, 1977.

Mr. COSGROVE. We think that there has been, as I am sure you know, substantial progress with regard to minorities and women being hired and indeed placed at appropriate levels and in representative levels in the Federal Government. But on the other hand, this is wholly inadequate and not admissible to a government committed hopefully to equal opportunity and to advancement.

The Office of Personnel Management, quite frankly, in our judgment, has not been the fully aggressive partner which the Equal Employment Opportunity Commission needs if it is to accomplish its monumental task. It may be that this function should be coordinated with or through the White House or the Executive Office of the President, to bring effective authority to bear on the Government agencies.

One thing, for example, is the difficulty the Labor Department has at OSHA, as a Cabinet peer, trying to coordinate its fellow Cabinet-level Departments, without more of an Executive order sort of a by your leave basis, in the statute to cover public employees.

Similarly, the question arises whether this is necessary. While it is true that some of these agencies concerned with this primarily are in the Executive Office, like OPM, the question is whether there is sufficient clout, frankly, or authority, to bring about effective advancement of the program.

We understand the Office of Revenue Sharing and the U.S. Department of the Treasury have an agreement with the Office of Personnel Management to investigate the status of equal employment in five State and local governments. This represents, however, only 5, as I indicated, out of perhaps 60,000.

We do not believe that OPM understands the equal employment concept. One pilot review of TVA showed much to be desired. It is encouraging, on the other hand, that Executive Order 12068 gives the Department of Justice, and the Assistant Attorney General for Civil Rights, authority to initiate suits against offending State and local governments. Perhaps a similar authority is necessary within the Federal Government.

Then too, Congress might consider setting its own house in order. My understanding is that there are perhaps 40,000 employees in the legislative branch of the Government. As you know, the U.S. Commission on Civil Rights has recommended in a report that title VII be extended to cover the legislative branch of the Government, and there are some 40,000 that are not covered within this branch.

We are happy that EEOC has an Office of Government Employment and we hope that it, the Department of Justice and OPM, will all place equal employment and advancement of women and minorities at the top of their agendas with respect to the Federal, State, and local governments. We think only if this is done will we expect to achieve the results that have been too long in coming.

Mr. HAWKINS. Thank you.

[Prepared statement of John Cosgrove follows:]

PREPARED STATEMENT OF JOHN COSGROVE, DIRECTOR OF LEGISLATION, PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO

We appreciate the opportunity for the AFL-CIO Public Employee Department to testify before the Subcommittee on Employment Opportunities. The Department has some 2 million members represented by our 35 affiliated national unions.

The importance of fair employment opportunity where the federal government is the employer can scarcely be overstated. It should set an example for the private sector, by providing fair opportunity and affirmative action programs. This principle is widely accepted in the public sector. The practice, however, is another thing.

Available data indicates that while both minority groups and women have recently made substantial gains in becoming members of the federal work force, they are entering late and are concentrated at or near the bottom of the salary scale. Our view is that the Office of Personnel Management has not been the fully aggressive partner, which the Equal Employment Opportunity Commission needs if it is to accomplish its monumental task. It may be that this function should be coordinated with the White House to bring effective authority to bear on the government agencies.

We understand the Office of Revenue Sharing, and the U.S. Department of Treasury, have an agreement with the Office of Personnel Management to investigate the status of equal employment in five state or local governments in fiscal year 1981; this represents only five or more than 60,000 of such governments.

We do not believe the Office of Personnel Management understands the equal employment concept. One pilot review of TVA showed much to be desired. It is encouraging on the other hand that Executive Order 12068 gives the Department of Justice, and the Assistant Attorney General for Civil Rights, authority to initiate suits against offending state and local governments. Perhaps a similar authority is necessary within the federal government.

We are happy that EEOC has an Office of Government Employment and we hope that it, the Department of Justice and OPM, will all place equal employment and advancement of women and minorities at the top of their agendas with respect to the federal, state and local governments.

Mr. Hawkins. Our next witness is Ms. Louise Smothers, director of the Department of Women's Affairs, American Federation of Government Employees.

STATEMENT OF LOUISE SMOTHERS, DIRECTOR, DEPARTMENT OF WOMEN'S AFFAIRS, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Ms. Smothers. Thank you, Mr. Chairman.

The American Federation of Government Employees, AFL-CIO, is pleased to have this opportunity to testify on the employment and advancement of minorities and women in the Federal work force. AFGE has long been active in the Leadership Conference on Civil Rights, which has taken a lead in legislative battles to eliminate discrimination from American society, and we look with pride to the many victories of the past two decades.

In addition, AFGE represents over 700,000 Federal employees throughout the executive branch, including those in both the Equal Employment Opportunity Commission and the Office of Personnel Management, so we have had a unique opportunity to observe the development and progress of the Federal Government's program to end its discriminatory employment practices.

In extending the Civil Rights Act to the Federal Government in 1972, the Education and Labor Committee labeled the Government's program a failure. Nothing warrants a different conclusion today and we welcome the subcommittee's interest in overseeing implementation of the Civil Rights Act and the Civil Service Reform Act.

As the director of AFGE's Department of Women's Affairs, I appear at the request of our National President, Kenneth T. Blaylock, who is at our AFGE Constitutional Convention in Hawaii.

President Blaylock's June testimony before the Subcommittee on Civil Service has been distributed to the subcommittee as a background document on Federal sector discrimination.

Developments since June, including changes by EEOC in response to our criticism, cause us to be even less optimistic. Because President Blaylock will be submitting a longer statement for the record, I will keep this summary short and to the point:

The individual agencies themselves are primarily responsible for the failure of their programs. For 8 years, management officials in the various agencies have virtually ignored their legal obligations to end discriminatory employment practices and establish effective affirmative action plans. For 8 years agency officials in general have gone through the charade of establishing goals and objectives for the advancement of women and other minorities while they refused to commit resources adequate to achieving the goals and objectives. And for 8 years agency officials have in general responded to their failure to institute meaningful antidiscriminmation efforts by simply readopting the same inadequate plans.

As a result, little or no change in the composition and distribution of the agencies' work force has resulted.

If these actions had been undertaken by a private employer, they would have scarcely been tolerated. Even today the affirmative action plans of agency officials still lack any significant impact on the workplace.

The failure of the Federal Government's statutory antidiscrimination program can be blamed primarily on the management officials in the various agencies who have strangled the program since its birth. If the agencies honored their legal obligation on equal opportunity, there would be no need for intervention by the Equal Employment Opportunity Commission, the Office of Personnel Management or the Merit Systems Protection Board. This fact deserves emphasis as we consider the efforts of EEOC and OPM particularly.

OPM's efforts on underrepresentation would continue to bar advancement of qualified minority and female personnel.

Section 310 of the Civil Service Reform Act requires the Office of Personnel Management to establish a minority recruitment program. OPM has issued regulations on what is now known as the Federal Equal Opportunity Recruitment Program, FEORP. In its January report on this program, OPM anticipated that "75 percent of agency FEORP resources will support external recruitment activities while the remaining 25 percent will be allocated to internal efforts . . ."

A predictable result of such an emphasis is that qualified minority and female personnel, who have worked for years for promotional opportunities, will remain mired in the lower grade ghetto to which they have been consigned by discrimination and the old-boy network.

AFGE will continue its efforts to insure that agencies do not use glamorous outside recruiting efforts as another technique for masking a new and subtle form of discrimination against minority and female employes who are already in Government service.

In November 1979, AFGE sponsored a conference for Federal women who are occupationally segregated in jobs graded GS-6/WG-5 or below, better known as "Women in the 8 Percent." The conference provided an informal forum through which over 100 participants could speak openly about the problems they face which bar increasing use of their skills in Federal field installations.

Among the many issues of concern identified were limited career development paths, the virtual absence of upward mobility and effective affirmative action measures, and inadequate agency initiatives under the Federal women's program.

In responding to our questionnaire on education and training, 72.9 percent of the respondents indicated that they received no career counseling and 83.3 percent of the respondents had experienced a variety of obstacles to obtaining education and training, including the earmarking of agency training funds for higher grade professionals who under present employment practices are almost exclusively white males.

AFGE will continue to use the collective bargaining relationship to negotiate meaningful affirmative action programs and concrete plans for effective training and career development.

EEOC must become more than an apologist for agency indifference to equal employment opportunity.

AFGE has continuously supported the Equal Employment Opportunity Commission and genuine efforts by it to further the Government's antidiscrimination program. We backed the 1978 reorganization plan transferring enforcement opportunities from the Civil Service Commission to the EEOC.

When debate over the proposed Civil Service Reform Act was focused on a jurisdictional dispute between EEOC and the new Merit Systems Protection Board, we backed the efforts of EEOC to maintain final responsibility over all discrimination matters. We have also worked through the AFL-CIO to support adequate funding for the Commission.

We recognize that EEOC has a difficult task and we have tried to assist it.

Unfortunately, numerous actions by top EEOC officials compel the conclusion that EEOC is simply not being allowed to do its job of insuring effective affirmative action progams and of vigorously rooting out discriminatory employment practices.

It was especially disheartening at the June hearings before the Subcommittee on Civil Service to hear top EEOC officials defend the slight agency progress on affirmative action. These agencies have had 8 years to get their programs together and to demonstrate concrete results.

Instead of chiding the agencies for the negligible improvement in their work force distribution, these EEOC officials chose to commend them for their cooperation with the Commission. Obviously, 8 years of failed opportunities could not be recaptured immediately.

EEOC, however, has had its jurisdiction for 2 years, with only insignificant results on the bottom line, namely, the actual work force composition statistics. If EEOC is to accomplish its statutory goals, it must become more than an apologist for agency indifference.

We have urged the Commission to demand that agencies develop, in negotiation with their exclusive representative, affirmative action plans which will provide concrete results reflecting the full period of time that agencies have already had to institute equal employment opportunity.

A major stimulus to effective equal employment programs is an equitable and timely procedure for resolving discrimination complaints. Our efforts to work with the Commission in developing such a system have been hampered by the unwillingness of EEOC officials to use the normal rulemaking procedures with notice and an opportunity for comment by all.

In summary, I would like to stress our belief that EEOC officials continue to demonstrate an unwillingness to work closely with labor organizations and other groups who endeavor to see discrimination removed from Government. Instead, these officials rely primarily on their colleagues in other agencies for ideas and proposals. These are the same agencies, of course, that will be the defendants in future discrimination charges, and they are the agencies who benefit when a large number of complaints are declared to be unfounded.

EEOC officials appear tempted, time and again, to focus attention on backlog and settlement statistics as an indicator of its success. Such indicators are obviously misleading.

We believe that success is measured by other factors, such as the number of cases in which discrimination was found to exist and a satisfactory remedy was provided. The content of the settlement agreements, not their number, determines success. In short, we do not believe that EEOC management should focus on eliminating backlog through inadequate investigations or conclusory processing of claims. Rather, they should place additional emphasis on identifying those patterns or practices of discrimination evidence by the claims.

At times, top EEOC officials have already succumbed to the lure of the quick press release announcing a reduction in backlog. In such situtions the real losers continue to be Federal employees who are victims of employment discrimination and the Government that is thereby denied the use of their skills.

We will, of course, continue to seek to work with EEOC officials in developing an effective antidiscrimination program. We pledge them our cooperation.

We hope that oversight hearings such as these will arouse a more dedicated response, and we are grateful for the opportunity to appear.

Mr. HAWKINS. Thank you, Ms. Smothers.

Our next witness is Elaine Smithson, president of Local 2027, American Federation of State, County and Municipal Employees, ACTION–Peace Corps.

STATEMENT OF ELAINE SMITHSON, PRESIDENT, LOCAL 2027, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, ACTION-PEACE CORPS

Ms. SMITHSON. I appear before this committee today as a representative of more than 1,000 workers at ACTION; 359 of these are in the lowest grades, GS–1 through 6, and 322 are minorities and/or women. And while minorities comprise 31 percent of ACTION's work force, they occupy 42 percent of the jobs at the lowest grade levels. Women comprise 55 percent of the Agency work force, yet they are found in 81 percent of the lowest graded jobs.

Sam Brown in his testimony before this committee today described some remarkable affirmative action achievements at the senior most levels of the ACTION Agency. His efforts in this area have been substantial and his irrefutable success should be publicly recognized. But, by his own admission, little has been accomplished for workers at the lowest levels. These are the people we represent—those whom Mr. Brown describes as left out and left behind.

We look forward to working more closely with him to bring about creative and effective solutions to what are mutually recognized as very difficult problems.

I would like to go into some of those problems.

Since 1976, when the first training agreement was signed creating ACTION's upward mobility program, only 30 employees have been able to participate. The affirmative action plan calls for 15 trainees per year. The end of fiscal year 1980 should see a total of 75 employees having participated in this program, yet the record reveals that since 1976 only 30 will have benefited from the opportunity. Of the 30, only 15 employees have entered during the entire Brown administration, and of the 30 several were jobs which both the union and the agency agree were not real upward mobility positions since they offered only minimal advancement.

While there has been a great deal of rhetoric about affirmative action for lower graded employees, we believe that there is little substance or even true commitment.

To illustrate the point, it was not until August 5 of this year, only 2 weeks ago, that the Agency's affirmative action plan for 1980 was signed by the Director, making the 1-year plan over 10 months late. Is it any wonder that workers feel left out and left behind.

We agree with the Director's assessment that little progress has been made in the critical areas of GS–7 through GS–12 and also with the reasons put forward by him. But these are not the only reasons. He knows it; we know it; and the workers of ACTION know it. The jobs at these grade levels are certainly the ones which must be accessible if lower grade employees are ever to have the opportunity to advance.

The restructuring for bridge positions and the establishment of a real upward mobility program are two very effective ways of accomplishing this vital goal.

But perhaps the most impact in these grade levels could be achieved if the competitive process could simply be allowed to work. According to the Agency's own figures, nearly 60 percent of all vacancies at ACTION are filled by some noncompetitive process. This means that the employees we are concerned with today frequently never even get the opportunity to apply and compete for promotions.

If we are to provide an effective and equitable means for career advancement, surely the first step must be to open the door to competition.

Lateral reassignments, many from other agencies, and the appointment of former Peace Corps and VISTA volunteers account for most of the noncompetitive hiring at ACTION. For example, when the Assistant Director for Administration and Finance, James B. Lancaster, was appointed last year from the Department of Transportation, he brought at least 11 other persons with him. Eleven positions in most Federal agencies are not significant, but in an agency as small as ACTION the impact on career advancement is very damaging. All were hired noncompetitively and nearly half have since received career promotions. Among the 11, 1 is a woman and 3 are black. The woman is Mr. Lancaster's secretary and the 3 blacks received the lowest grades of all who transferred.

At least as damaging to the advancement of lower graded employees is the noncompetitive hiring of former Peace Corps and VISTA volunteers. Nearly all of these actions occur at the entry-levels, GS-5 and GS-7. These are precisely the levels at which the crossover from clerical to professional series must take place. If positions at these levels are not available to lower graded employees, career advancement will continue to be only a fantasy.

It is our firm belief that positions at these levels are not available in sufficient numbers to provide meaningful advancement opportunities. Fully 19 percent of all vacancies are filled noncompetitively by former volunteers. Since nearly all of those actions are at the GS-5 and GS-7 levels, only an insignificant number of vacancies remain for current employees.

Since the overwhelming majority of these employees are women and roughly half are minorities, it is little consolation to them that a respectable percentage of the former volunteers hired are also minorities and women.

This activity creates a divisive and harmful struggle between two deserving groups. We cannot allow this to occur. Clearly, the challenge before us is to provide real opportunities for both. This is where we must focus our attention, and it is to this end that we pledge our commitment and energy.

Along these lines we have made several attempts to address the problem through negotiation of a new labor agreement. These attempts have been frustrated by the Agency at every juncture and are now formally at impasse. Frankly, we are baffled by a management that so easily and quickly talks about its commitment to affirmative action and to the disenfranchised, but absolutely refuses to state its commitment in a negotiated labor agreement.

Since this agreement is the only vehicle through which workers can hold management accountable for its commitment, we can only conclude that the commitment is as empty as the record. This commitment cannot be left to an agency director.

We sincerely regret having to reach this conclusion, as well as the cynicism it has engendered, but the record is clear. However, we stand ready to work with management toward a positive resolution of the problem.

On behalf of the workers at ACTION, thank you for the opportunity to present this testimony.

Mr. HAWKINS. We thank you.

Ms. Uhlig, in your testimony you made reference to the relevant labor force. I believe you were present when Mr. Sugarman testified, were you not?

Ms. UHLIG. Yes, I was, Mr. Chairman.

Mr. Hawkins. In his prepared statement—and I don't know if he elaborated on it—he indicated that the Office of Personnel Management rejected the concept of relevant labor force and invariably insisted on the use of a broader civilian labor force. Now, this is somewhat in conflict with what appears to be the experience that you indicated in your statement?

Ms. Uhlig. The agencies are interpreting that particular part of the FEORP program differently. What we are suggesting is that OPM, through whatever evaluation procedure they are going to be using on FEORP, really look into what they are using as their data base when they start their programs initially in their agencies.

Mr. Hawkins. Then your point is that the Office of Personnel Management is not really insisting on a uniformity and interpretation concept to which they ascribe?

Ms. Uhlig. Yes, because there are really some assurances made under the FEORP program. FEORP must be included in agencies' affirmative action plans, and those plans go to the EEOC. At the same time, the FEORP was set up under the Federal Personnel Manual system, which is a function of OPM. You find in a lot of the agencies that in some cases they are handling FEORP in their personnel office and therefore that information goes to OPM; and in other agencies you find the FEORP function being handled in the Civil Rights or Urban Affairs Office, in which case that goes to EEOC.

Underlining all of this is the assumption that the personnel offices and civil rights offices have an effective relationship, and ongoing communication, and that is not very realistic. You see a lot of things falling through the cracks because there is not one focus for the FEORP program nor its evaluation.

Mr. Hawkins. Ms. Smothers, in your testimony you were very critical of the EEOC and you seem to be very specific in that criticism. I think you made a reference at one point that the EEOC was either unwilling or, I believe you used the phrase, "not allowed" to do its job?

Ms. Smothers. I think when I made that statement I was alluding to the fact that some of the officials of EEOC have normally given that impression, that they are not being allowed to do their job.

Mr. Hawkins. Would you elaborate on that a little?

Ms. Smothers. It is on page 6 of my statement, where it says, "Unfortunately numerous actions by top EEOC officials compel the conclusion that EEOC is simply not being allowed to do its job . . ." that is, to bring about effective affirmative action programs.

Mr. Hawkins. Would you explain who it is that does not allow it to do its job?

Ms. Smothers. Initially, when EEOC started holding training conferences on FEORP, earlier in the year, they seemed to be giving the impression that because they didn't have cease and desist powers, or didn't really have enforcement powers, to really compel agencies to comply with affirmative action. I felt that you were more or less getting to that line of questioning this morning with Commissioner Leach, and I think you were asking about penalties or how could you compel the agencies to do the job; and they were saying they were negotiating.

However, when we were in sessions, we got the interpretation that they were saying they really didn't have the teeth to do the job.

Mr. HAWKINS. Well, he seemed to be saying that he was seeking some clarification of that power, and he was not sure of it. He seemed to be stopping short of making a recommendation that the law itself was responsible.

We will pursue that, but it came up in your testimony and I just thought that there was a link to what he was saying.

Ms. SMOTHERS. We will probably pursue it further in the legislative inquiry testimony, and we will probably emphasize it in greater detail when we start talking about the proposal, the initial proposal, of EEOC on complaint handling.

We just submitted our comments about a week or so ago on their proposal, and we were very critical. We intend to elaborate quite strenuously on our future submission.

Mr. HAWKINS. We are concerned about that, although that is a little outside the subject matter of this hearing, but we will pursue that directly with the EEOC in some of the future hearings that we plan to conduct.

I just want to support the efforts that you and the others are putting forth in order to make EEOC a much more accountable agency than some of us believe it now is.

Mr. PETRI. I have just one or two questions.

Ms. Smithson, you talked a bit about the difficulty with upward mobility and career advancement in the ACTION organization?

Ms. SMITHSON. Yes.

Mr. PETRI. Do you know how that compares with someone working with other Government operations? Is ACTION the same or better or what compared with Agriculture, for instance, or the other departments?

Ms. SMITHSON. From Sam's testimony, I understand, compared with other Federal agencies, it is at least equivalent, if not slightly better. That is not the concern we have.

One of the things I wanted to make clear in my testimony this morning is that we feel very positive about the advancements that have been made under Sam Brown's administration, as far as they have gone, but they have been at the senior most levels. We have also come head on into conflict with the Agency over trying to get those commitments transformed into something that will continue beyond changes in the senior level management of the Agency which we, who are the workers in those lower graded jobs at the Agency, all know we need.

The top officers of the Agency turn over quite frequently and there is no attempt by us to discredit Sam for his efforts. What we are looking for is a firmer commitment, something that will last beyond the change of leadership.

We feel that he has a personal commitment to it and we applaud him for that; but what about when he is not here anymore?

Mr. PETRI. What sort of things have you specifically asked for? I don't want to hold up the hearing, but I wondered, in specific terms, in view of the important written commitments, are you looking for some kind of a quota system or something else?

Ms. SMITHSON. We have a number of proposals on the table—for example, the issues that I mentioned that are at impasse in our contract negotiations now, and they regard the upward mobility program, a strengthening of the program itself; an increase in the number of those slots; and increased assurances that people who are in need of upward mobility can be placed in that program and can actually advance.

Some of the problems we have had with upward mobility is with the few people who went through the program. Some of those positions have turned out to be another kind of job, a dead ended job, and that is not enough of an upward mobility position.

There are bridge positions, monitoring of the vacancies in overseas, where office by office within our Agency some offices are far better off than other offices in terms of their affirmative action goals.

We would like to see that monitored by the EEO office within the Agency. We would like to see affirmative recruitment taking place for vacancies that occur in an office that is underrepresented by minorities and women.

We have more than that and we have proposals on the table, and the problem is that the Agency refuses to put that commitment down in firm, binding language in the contract.

Mr. PETRI. I am trying to learn. Has this resulted in you transferring from ACTION to other Government agencies? I understand that there is a program for that?

Have other agencies entered into this sort of written agreement that you are asking Sam to do, or is it a problem of having him take it?

Ms. SMITHSON. CSA and the Department of Labor have entered into those types of agreements. The first question, relating to what result has it had on the employees, the employees have been dead-ended into those positions and many of them become demoralized. They are very frustrated. And we have a petition asking Sam to put these in the contract, and we have over 50 percent of the signatures of all of the people in the bargaining unit, and I suppose a few people more. Not many people actually move out of ACTION very quickly. One of the reasons is that as I heard the woman from the Department of Agriculture say, people who work at ACTION, including all of us in the union, believe very strongly in the mission of our Agency, in the programs that we run, and in our whole purpose. We don't consider ourselves to be simply Federal employees who just work for their paychecks. We care about what we are doing and it is the Agency's mission and the programs that we run that are also very attractive to us, which puts people in a rather unfortuante bind, I would say, to want to work with those programs and not to be able to advance their own personal careers.

Mr. PETRI. Thank you.

Mr. WEISS. In the same general area, I am not sure if I understand the statistics you cited. You said that 19 percent of the people come in on a noncompetitive basis such as former VISTA and Peace Corps employees; is that right?

Ms. SMITHSON. Yes.

Mr. Weiss. Is that over all of the Agency?

Ms. Smithson. Over all, 60 percent of the positions that are filled in a given year are filled noncompetitively. That can be lateral transfers and can be a number of other things, and usually it is the noncompetitive authority that former volunteers have.

Mr. Weiss. What is the 19 percent referring to? It is on page 3 of your testimony where you refer to the 19 percent figure?

Mr. Petri. The other 41 percent are nonvolunteers.

Ms. Smithson. The 19 percent are former volunteers, 19 percent of all vacancies in the Agency each year are filled by former volunteers on a noncompetitive basis.

Mr. Petri. And there is another 41 percent filled by people who are not former employees.

Mr. Weiss. Are you objecting to that position, that there ought to be no noncompetitive positions coming into the Agency?

Ms. Smithson. It is not the union's position that there ought not to be any noncompetitive positions, nor is it the union's position that only volunteers ought to be hired and used by the Agency.

I am a former Peace Corps volunteer myself. The issue that we have is that the employees who are working for the Agency, most of them are minorities and women at the lower grades, because those vacancies that the noncompetitives are being used for are at the middle levels of GS–5, GS–7 and GS–9.

The employees in the GS–1 through GS–6 who are deadended in the Agency are not able to compete for those positions, to get into a professional slot.

Mr. Weiss. I lost you somewhere along the line. If you are not objecting to their coming in on a noncompetitive basis, what is the answer? Either they don't come in and compete with the people who are using the career ladder, or they come in——

Ms. Smithson. One of the issues has been that in order to use the competitive process, the Agency has to go through the posting of the vacancy for a certain period of time and a lot of paperwork. It is a lengthy process. In order to hire noncompetitively, the agency needs to do nothing more than find someone who has a noncompetitive eligibility and bring them on board. What happens, what we suspect is the case, is that often times because it is easier and quicker and simpler to hire someone without going through the competitive process, other people are not even given the opportunity to compete, and the noncompetitive process is used because it is easier. It is not necessarily because the noncompetitive person is not qualified for the position, but because it is easier.

One of the proposals that we have made has been that the Agency would run a parallel process, so that it would not use noncompetitive without giving other employees the opportunity to compete. In other words, if it has to go through the competitive process anyway, then there is no longer that tipping the balance toward taking a former volunteer, because it is easier, and then at the end of that process they could still choose over the noncompetitive register, but they would not save anything by ignoring people already working in the Agency.

Mr. Weiss. Thank you.

Mr. Hawkins. Again, I wish to thank the witnesses who have been very helpful to the subcommittee.

That concludes the hearing of the Subcommittee on Employment Opportunities.

[Whereupon, at 1 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

[Material submitted for inclusion in the record follows:]

NEW YORK, N.Y., *August 26, 1980.*

Hon. AUGUSTUS HAWKINS,
Chairperson of the Equal Opportunites Subcommittee, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN HAWKINS: I would like to add my testimony to be recorded in the records of the hearings that you have held on the problem of the employment of Black women in government.

I held a Grade GS-15 in senior management of the Civil Service Commission of the United States Government.

Commissioner Poston advised me that I was one of 297 persons in the United States with such a grade in the field of education. On three different occasions I have been denied employment at any grade level. I was in negotiation in the Justice Department in the Community Relations Division when the Grade 15 was dropped to Grade 7.

I was working with ACTION when they hired a black male. I have written to the new Secretary of Education since our new office has been established and had extensive correspondence about hiring, training and promoting Black women within the Department.

Although I have held all these degrees with a doctorate from Columbia University since 1952, I have not been given an opportunity to be employed by the Federal Government at any grade above GS-9. The rational that was given to me was that the President wanted to balance the budget in 1981, so the grades were cut. Statistically, one can show that the society representing the Personnel Department of the Government has ignored Black women and hired Black males.

There have been some legal loopholes which have permitted this. There is evidence in the hearings of Congresperson Shirley Chisholm that Black women have been discriminated against in the hiring, training and promotion areas of the Federal Government. There are serious employment discrimination problems at the hiring level in the Federal Government.

Since 1952, I have been registered with the United States Office of Education, United States Civil Service Commission, Senior Management Level, seeking a policy making position in the administration equal to my training and experience.

I have also been active in the political process of bringing these discriminatory behaviors to the attention of my Congressman and our State Senators.

If I have applied for one of these positions during these years, I have applied for a dozen or more with no success, and I am here to state that there is sexual and racial discrimination against Black women in the Federal Government.

Sincerely,

OLIVIA PEARL STOKES.

DR. OLIVIA PEARL STOKES

Birthplace:

Middlesex, North Carolina
Reared in New York City's Harlem

Educational Background:

Doctor of Education (Ed.D.), Teachers College, Columbia University, 1952; Master of Arts (M.A.), New York University, 1948; Bachelor of Science in Education (B.S.), New York University, 1947; Post Doctoral Studies in Human Relations NTL, 1956; Boston University, 1958.

Experience:

Associate Professor of Education, City University of New York, Herbert H. Lehman College (1976-73); Assoc. Director, Urban Education, Department of Educational Development, National Council of Churches, (1973-'66); Adj. Professor (pt.) Educational Ministry, Colgate Rochester and Andover Newton Theological Seminaries, 1976-73; Director, Department of Education, Massachusetts Council of Churches (1966-53); Assoc. Director, The Baptist Educational Center, N.Y.C. (1952-'41); Uptown YWCA, Intake Interviewer (1941-35); Director, The Greater Harlem Comprehensive Guidance Center, (1975-); Educational Consultant, Princeton and Drew Theological Seminaries' Black Doctoral Candidates, and the Roxbury - North Dorchester Comprehensive Health Center of Boston; and Columbia University's Sickle Cell Comprehensive Health Center (1974-77).

Other Experiences:

Chairperson for the development of a multi-ethnic, multi-cultural teacher education program, Lehman College Dept. of Education (1975-73); Developed graduate teacher education Study Abroad - Ethnic Heritage - African program in five Nigerian Universities (1976-73). Led the Educational Component of NCCC's Ecumenical Caribbean Studies, (1964); Developed the Black Curriculum Resource Center of N.C.C.C. (1973-'66); Researched African family life and Women's role in twenty African countries (1976-63); Studied Yoruba Civilization, University of Ife, Nigeria (1976); Author of two books for children and youth in Africa: — **Why The Spider Lives in Corners** and **The Beauty of Being Black;** Many articles and chapters. Leader, World Council of Churches Ecumenical Seminary, 1968; Lead fourteen Study Seminars to Africa since 1963; Delegates-leader to White House Conferences - Education (1955), Youth 1970, 1960; Lecturer for African Studies' Association, Educational Studies Association, The National Association for Study of Afro-American Life and History 1974-'65. Chairperson NAPCE/A.E.A.'s Bicentennial Congress - Institute on Management by Objectives 1976; Trustee, Berea College, Berea Kentucky.

Church-Related Experiences:

Consultant to Education and Ministry Division, National Council of Churches; Member of World Council of Churches Ecumenical Study Program - Bossey, Switzerland; Religious Educator, Ordained Minister in The American Baptist Churches.

Memberships—Learned and Professional:

Delta Kappa Delta - Fraternity in Education, Pi Lambda Theta, fraternity for Women In Education, Religious Education U.S.A., American Association of University Professors, American Educational Studies Association, American Association for Higher Education, The Afro-American Association for Study of Life and History, Adult Education Association, National Association for Public and Continuing Adult Education, Life Member N.A.A.C.P. and National Council of Negro Women, The Urban League, Abyssinian Baptist Church, American Association of University Women, The League of Women Voters, City University of New York, Professional Staff Congress, National Education Association, American Federation of Teachers (AFL-CIO), New York State United Teachers, Inc.; The African-American Institute's Educators to Africa Association. Friends of City University and Bronx Community College; Board, Bronx Council on Arts.

Honors—Academic and Professional:

1976- -Bethune Achievement Award NCNW; Justice Award National Association of Public Continuing Education, 1975; Ecumenical Reconciliation Award, MIA, 1966; Christian Education Leadership Tribute, Massachusetts Council Churches, 1966; National Urban League, 1961; Vocational Guidance and Workshop Center, 1967; "Woman of the Year," National B & P, 1957; Who's Who in American Education, 1959; Who's Who in American Women (all editions); Who's Who in North Carolina 1964; Who's Who In America, 1965, Dictionary of International Biography, 1971.

World Traveler, Lecturer, Author

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Asian and Pacific American Federal Employees' Council,
Washington, D.C., August 26, 1980.

Hon. Augustus Hawkins,
Chairman, Subcommittee on Employment Opportunities, Committee on Education and Labor, Rayburn Building, Washington, D.C.

Dear Mr. Chairman: Enclosed is the written statement that the Asian and Pacific American Federal Employees' Council is submitting to the Subcommittee in regards to its August 19 hearings on Federal minority employment.

We concur with the survey finding of the Subcommittee but we feel that the Subcommittee should consider the use of average grade in determining the progress of minorities in the Federal service.

In addition, we are presenting evidence to indicate that Asian and Pacific American Federal employees in professional and technical occupations are faring worse than their minority counterparts in terms of decreases in average grade level.

We will sincerely appreciate being placed on the mailing list of the Subcommittee.

Sincerely,

Anna Wong, *Chair.*

Enclosures.

Statement of the Asian and Pacific American Federal Employees' Council

The Asian and Pacific American Federal Employees' Council (APAFEC) concurs with the survey findings of the subcommittee that employment gains made by minorities and women in the Federal Government have been slight and have not significantly changed the distribution of minorities and women in the Federal workforce.

APAFEC feels that minority progress in the Federal Government should be measured not only by the numbers of minority employees in the Federal Service but also by the average grade level of these employees. It is the feeling of APAFEC that minorities should progress both in terms of employment number as well as in average grade level in order to change the overall distribution of minorities in the Federal workforce.

APAFEC feels that average grade level is a better indicator of the distribution of minorities in the Federal service as opposed to number of employees in grade and grade ranges as was used in the subcommittee's survey. As we understand it, the average grade is determined by multiplying the number of employees by the salary in each grade and step, adding up the products, and dividing this sum by the total number of employees to get an average salary which can be converted to an approximate average grade and step. Thus, a large number of low graded employees is sufficient to lower the overall average grade level. Average grade, then, is a useful, succinct indicator of how most minority employees are progressing through the grade levels of the Federal service.

As a case in point, APAFEC feels that the subcommittee should note that although the Federal employment of Asian and Pacific Americans has slowly increased in the past ten years, particularly since 1976, the average grade level of Asian and Pacific Americans has decreased particularly between 1977 and 1978 (based on U.S. Office of Personnel Management statistics).

This decrease in average grade level is not a phenomenon associated with Asian and Pacific Americans alone. Other minority groups are also experiencing decreases in average grade (see Table 2). The decrease in average grade for Asian and Pacific American Federal employees, though, is deserving of the attention of the subcommittee particularly in lieu of the common perception of Asians and Pacific Americans as being the "most successful minority" as a result of their high education, particularly in the sciences and their employment in the highly paid professional and technical fields. In both the professional and technical occupational categories (which cover roughly 35 percent of all Asian and Pacific American Federal employment), Asian and Pacific American Federal employees have experienced a larger decrease in average grade than for any other minority group. In nine occupations which cover 24 percent of Asian and Pacific American professional employment and which involve scientific or quasi-scientific backgrounds, Asian and Pacific Americans have fared much worse than their nonminority counterparts in terms of decreases in average grade.

Since it is the charge of the Subcommittee on Employment Opportunities to oversee the equal employment and affirmative action programs of Federal agencies, it is felt by APAFEC that the subcommittee should find out more about the reasons for the decreases in average grade experienced by Asian and Pacific American professionals and technicians as well as all other minority groups. Such information will be particularly valuable in determining to what extent does increasing minority

employment really have on increasing the distribution of minorities in the grade levels of the Federal civil service.

TABLE 1.—PERCENT OF MINORITIES IN THE FEDERAL WORK FORCE BY YEAR

Year	Total General Schedule work force	Blacks	Hispanics	Native Americans	Asian/Pacific
1969	1,289,106	10.7	1.8	0.8	0.8
1970	1,292,310	10.9	1.9	0.8	0.8
1971	1,307,082	11.2	2.0	0.9	0.8
1972	1,330,754	11.5	2.1	1.0	0.9
1973	1,330,581	12.2	2.3	1.0	0.9
1974	1,354,451	12.7	2.4	1.0	0.9
1975	1,377,641	12.6	2.5	1.1	0.9
1976	1,347,553	13.5	2.8	1.3	1.2
1977	1,429,657	13.0	2.7	1.3	1.1
1978	1,436,435	13.4	2.9	1.3	1.2
1979	1,368,811	14.5	3.3	1.4	1.5

Source: Equal Employment Opportunity Statistics 1969–79.

TABLE 2.—AVERAGE GRADE CHANGES IN THE FEDERAL SERVICE

	Professional			Administration			Technical			Clerical		
	1977	1978	Change	1977	1978	Change	1977	1978	Change	1977	1978	Change
Blacks	10.66	10.64	−0.02	10.59	10.56	−0.03	6.21	6.21	0	4.35	4.38	+0.03
Hispanics	10.99	10.96	−.03	10.42	10.41	−.01	6.82	6.87	+.05	4.20	4.24	+.04
Native American	9.71	9.88	+.17	8.52	10.31	+1.79	4.99	4.95	−.04	3.97	4.13	+.16
Asian/Pacific	11.33	11.26	[1] −.07	10.71	10.69	−.02	7.47	7.42	[1] −.05	4.46	4.49	+.03
Nonminority	11.67	11.68	+.01	11.24	11.24	0	7.41	7.39	−.02	4.49	4.53	+.04

[1] Indicates significant drop in average grade for Asian/Pacific Islanders relative to other minority groups and nonminority groups.

Source: Equal Employment Opportunity Statistics 1977 and 1979.

TABLE 3.—AVERAGE GRADE DECREASE OF ASIAN AND PACIFIC AMERICANS IN 9 PROFESSIONAL OCCUPATIONS

Occupational title	Job series	Asian/Pacific Islands			Nonminority		
		1977	1978	Difference	1977	1978	Difference
(1) Materials engineer	806	12.17	11.79	−0.38	12.71	12.60	−0.11
(2) Civil engineer	810	11.38	11.10	−0.28	11.68	11.65	−0.03
(3) Mechanical engineer	830	11.37	11.24	−0.13	11.73	11.69	−0.04
(4) Electrical engineer	850	11.24	10.99	−0.25	11.60	11.59	−0.01
(5) Electronics engineer	855	11.39	11.40	+0.01	12.25	12.32	+0.07
(6) Naval architect	871	11.82	11.56	−0.26	12.34	12.16	−0.18
(7) Chemical engineer	893	11.85	11.42	−0.43	12.08	12.02	−0.06
(8) Metallurgy	1321	12.13	12.00	−0.13	12.33	12.33	0
(9) Statisticians	1530	11.03	10.77	−0.26	11.79	11.73	−0.06

Note.—Figures cover ocupations which comprised roughly 24 percent of the total Asian/Pacific Island Federal employment in professional occupations.

Source: Equal Employment Opportunity Statistics 1977 and 1978.

PREPARED STATEMENT OF DR. ELIZABETH W. STONE, PRESIDENT, BLACK WOMEN'S AGENDA

The circumstance of being black and a woman becomes at once an advantage and a disadvantage for the person in American society who holds such a classification—especially in the federal government.

It is only on an occasional and unique basis that being black and a woman can be considered an advantage. At such time, the black woman is appointed or promoted to a high federal position amidst fanfare of affirmative action and publication. But she is counted twice. As a result, an agency receives credit for moving affirmatively in its attempt to elevate minorities—blacks and women.

At the same time, the disadvantages suffered by her black sisters in the federal government heighten the impact of employment discrimination in federal agencies against black women. As a general pattern, black women are being ignored in affirmative action plans. Certain of the same black women are among the early 1980's count of the 40 percent of American black families headed by women—compared with 12 percent for whites. Black women are concentrated at the low level of GS-4 and below and oftentimes hired at the lowest level. It has been reported that white women with the same qualifications generally are given higher grade levels and salaries as they enter the federal government. For example, concern has been expressed to the Black Women's Agenda regarding employment patterns in the new Department of Education in its Office of Vocational and Adult Education where, reportedly, only 1 black woman holds a position at the GS-14 level and none at the GS-15. The situation is difficult to fathom since this area of education is one in which black women have made some of the highest achievements.

The Black Women's Agenda therefore asks the House Subcommittee on Employment Opportunities to implement actions on employment of black women in the federal government that would:

1. Direct special attention to the employment needs of black women—giving high priority to the development of time-tables for advancing black women from lowest paying jobs.
2. Set up a mechanism to eliminate the double count of black women—which count serves primarily to distort supposedly positive personnel statistics.
3. Establish a requirement of training of agency heads to actively assume responsibility for equal employment opportunity needs of their employees—and build in sanctions for neglect of such requirement.
4. Examine employment policies of specific agencies where black women seemingly encounter problems in advancement or employment—setting up provisions for remedying the situation wherever it exists.

At the current rate of change, "equity" between black women and white women will not be achieved within the present generation. Congress must take positive steps to right the situation for the many black women American citizens whose status is at the bottom of the ladder in the federal government hierarchy. The Subcommittee's findings and actions can certainly establish a climate for change.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, LOCAL 2607,
Washington, D.C., August 27, 1980.

Hon. AUGUSTUS F. HAWKINS,
Chairman, Subcommittee on Employment Opportunities, House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: The members of the Women's Committee, AFGE Local 2607 commend the Subcommittee on Employment Opportunities for its efforts to insure fulfillment of our nation's commitment to equal employment opportunity. We thank you for the opportunity to submit the statement of our concerns and views below. On Monday afternoon August 18, 1980, we read about the hearing scheduled for Tuesday in the Federal Diary, Mike Causey's column in the Washington Post. Equal employment opportunity in the federal government is an area of national public policy of special concern to us.

After reading the Subcommittee's survey report to the Full Committee comparing employment trends for women and minorities in selected federal agencies, we were faced with an old and familiar problem . . . the inadequacy of employment data. The comparisons for 1976 and 1979 were based on total data for the former Department of Health, Education and Welfare and prevent comparisons for individual agencies such as the former Office of Education. The need for more definitive data, for special groups such as minority women by race, and at bureau and program levels for analysis and assessment is crucial. May we strongly urge the Subcommittee to secure in the near future, data on the workforce composition of the new Department of Education. This data would provide baseline information for planning goals and progrms, and for assessing future progress and developments in meeting those goals. In the August 1980 issue of our publication, "The Word" we called for such a report (See attached). A new federal agency has the opportunity to make substantive changes in its employment patterns by planning, formulating new policies and procedures, and by providing an organizational structure capable of delivering an effective equal employment opportunity program. To alleviate some of the courrent problems we have several suggestions.

We recommend a change in the status and placement of the Office of Equal Employment Opportunity in the administrative structure of the Department of Education. The EEO office would be strengthened by the Secretary appointing the Director, who would report directly to the Secretary. The Director would be responsible to the Secretary for planning, evaluation, and policy functions in addition to any other duties the Secretary may assign. The Director's job position would be raised to a supergrade level with the appropriate functions assigned to it.

The Federal Women's Program and its coordinator would be placed in the EEO office with its head reporting directly to the Director of EEO. The head of the Federal Women's Program would also hold a supergrade position, one step below that of the Director of EEO. The employment needs of women, and especially of minority women would receive appropriate emphasis in the new structure and at the policy level.

We are also recommending to the Subcommittee that funding support be authorized to provide support for underrepresented individuals who need training and counseling, and who have the desire and potential to be upgraded or to pursue new careers.

We urge the Subcommittee to give special attention to the employment needs of women members of racial minority groups at both the grade levels GS 14 and above where they are grossly underrepresented; and at the lower grade levels GS 4 and below where they are clustered. This concern should be addressed by all Federal agencies since the Subcommittee has noted this pattern and trend in its report findings. We have noted that for the first time the federal education agency is under the leadership of women appointed to principal positions requiring the advice and consent of the Senate; yet only one Black woman has been appointed to one of the many sub-Cabinet level posts.

We have concluded from the Subcommittee's survey report findings that there is inadequate commitment, and good faith effort to implementing equal employment statutes and regulations by agency heads. We recommend that the Subcommittee find ways for sanctions to be levied against those agency heads who do not demonstrate "good faith" efforts and commitment to equality of employment opportunities for minorities and women.

On behalf of the Women's Committee, I submit this statement for the record and again express our thanks for giving it favorable consideration.

Sincerely,

GRACE L. HEWELL, *Chair.*

Attachment.

[From the Word, August 1980]

CALL FOR INVESTIGATION

(By Grace Hewell)

Local 2607's Women's Committee has called for a departmentwide review and public report on the job status of all women employees from 1976 to 1980 broken down by grade and race. The review findings can serve as baseline documentation for planning goals and programs to improve the advancement potential of women in ED. Women employees are expecting much more than verbal support of their cause from Department leaders.

The chair of the Women's Committee participated in meetings held in New York and the District of Columbia in preparation for the 1980 World Conference of the UN Decade for Women. This conference convened in Copenhagen, Denmark from July 14 to 30 to evaluate progress made during the first half of the Decade for Women, and to develop strategies for improving the status of women during the second half of the decade. The 35 member U.S. delegation included Liz Carpenter, Assistant Secretary for Public Affairs.

The Women's Committee is urging a reappraisal of the internal plight of ED's women employees in response to the conference. The committee is also seeking opinions and suggestions from members of Local 2607 and from ED employees to ensure an expanded role for women in the Department with commensurate higher status and salary and improved working conditions.

Please send suggestions to Grace Hewell, chairperson of the Women's Committee, Local 2607, room 2037, FOB-6, before October 1. Include your name, organization and telephone number for future contact.

PREPARED STATEMENT BY JOAN S. WALLACE, ASSISTANT SECRETARY FOR ADMINISTRATION, U.S. DEPARTMENT OF AGRICULTURE

Good morning, Mr. Chairman. We appreciate the opportunity of appearing today and providing testimony before the Subcommittee on Employment Opportunities.

During the 2½ years that I have been with USDA I have seen some progressive changes. Changes that some observers never thought possible. In the area of employment of minorities and women the progress we have made would not have been possible without the commitment Bob Bergland has made to restoring USDA to its original status as the "Peoples' Department" as it was known when Abraham Lincoln established it in 1862.

Commitment that the Department will involve all people is shown by the selection of Assistant Secretaries, which include two women, a Black and a Hispanic. The latter two are firsts for the Agency. I want to talk a little more about some of the Department's other accomplishments—those which contribute and will continue to contribute to increasing the representation of minorities and women in the Department. Some of the special initiatives are:

Tracking system

We have established a tracking and evaluation system to determine underrepresentation in the workforce, to aid in affirmative action goal setting and to monitor EEO accomplishments. For the first time we have base line data to provide the statistical reporting required for affirmative action planning and the Federal Equal Opportunity Recruitment Program.

We are tracking 25 specific key occupations. We have identified underrepresentation of women and minorities in these occupations and have set goals for correcting the underrepresentation. Periodic computer printouts will show what progress has been made in this regard.

Budget presentations

For the past two fiscal years each agency reports to the Secretary on Equal Opportunity program actions in their budget presentations. This has been valuable in reinforcing the Secretary's commitment to have management take positive actions in EEO. It has created an attitude of serious, no-nonsense awareness unmatched in this Department's history.

Outreach seminars

Another one of our initiatives directed towards improving the Department's image among minorities resulted in developing an outreach program. We conducted four outreach seminars in 1979 and have held one of three planned for 1980. Our targeted communities have been predominantly Black and Hispanic.

In addition to giving the targeted minority communities, including educational, religious, civic, student and business leaders, a better understanding of the many services available to them at USDA installations and enhancing the Department's credibility in terms of delivering services equitably, these seminars have allowed us to inform the minority public about employment opportunities in the Department.

Implementing President's initiative for black colleges

I have had the honor of chairing the Secretary's task force to develop a strategy to implement President Carter's memorandum pledging greater support for the historically Black schools. This has now been further strengthened by an Executive Order dated August 8, 1980. The task force funded a planning grant of $70,000 to presidents and deans of the 1890 land-grant institutions.

Fifty thousand dollars was made available from the Farmers Home Administration and $20,000 came from the Office of Equal Opportunity. The purpose was to devise ways to strengthen these schools and especially their thrust in agriculture-related areas.

We had established an Office of University Affairs prior to the Presidential Directive, because we recognized the need to strengthen our efforts in this area. The University Affairs Office will coordinate the implementation of the action items recommended in the report issued under the grant submitted by the Presidents of the 1890 land-grant colleges and universities. This report was sent to all assistant secretaries and agency heads and I have met with the assistant secretaries individually to solicit their support. The results are that we have commitments from the program agencies to undertake specific program actions for fiscal year 1981.

Some of the recommendations included in the report are:

(1) The Institutional Enhancement Program which is responsible for providing human resources to land-grant colleges from USDA agencies. The purpose is to assist in curriculum development and implementation and to participate in various research activities. It is to be conducted under the auspices of the Inter-Governmental Personnel Act of 1970, as amended in 1977.

(2) The Secondary Education Development Program which is designed to provide career awareness in agricultural related areas at the high school and junior college level. The intent is to encourage matriculation at the 1890 land-grant colleges.

Another initiative we are working on is not included in the report. This initiative is researching the feasibility of establishing an Agricultural Journalism program for Lincoln University in Missouri. The cooperative planning will come from our Office of Governmental and Public Affairs.

The Facilities Bill which is designed to encourage more research at the 1890 land-grant colleges is a new legislative initiative. The Bill providfes for acquisition of land or the purchase or development of facilities for research purposes.

Apprenticeship program

USDA is participating in a program of research apprenticeship in government laboratories, announced last October by President Carter. The objectives of the program are to stimulate minority interest in science and engineering careers and to establish individual relationships between students and active researchers. Our program for the summer started with about 100 participants out of the total 1,000 jobs Governmentwide. The three agencies in USDA which are participating are the Science and Education Administration, the Forest Service and the Economics, Cooperatives and Statistics Service.

Rural youth program

The United States Department of Agriculture, in cooperation with the White House and the Department of Labor, organized two national conferences which focused on the problems of Rural Youth Employment especially among minorities and women.

The purpose of the conferences was to provide an exchange of information about employment opportunities and programs for rural youth, especially for minorities and the disadvantaged. In addition to Administration representatives, the conference brought together State officials, community leaders, educators, businesspersons, labor leaders and program administrators.

In the Department of Agriculture we are utilizing several employment programs to enhance the opportunities for minorities and women.

One program we are using increasingly and with considerable success is the Cooperative Education Program. Though the Baccalaureate Program is by far our biggest program, we do have participants in the Master's Degree and the Associate Degree Programs. Since 1977, we have more than doubled our participation in this program. The total number of participants has increased from 618 in fiscal year 1977 to 1,486 participants in fiscal year 1979. Women made up 38 percent of the total participants in 1977 with 28 percent of the women being minority. Forty-three percent of the men were minority. Of the total participants in 1979, 43 percent were women and 33 percent of these women were minority women. Minority men represented 44.5 percent of the men.

Most of the Cooperative Education participants are hired at the GS-5 or 7 level. While working on their educational qualifications they gain work experience which will enable them to move up. This is an excellent long range program.

Another hiring authority which USDA is currently using, and which we are expanding, is the Delegation Agreements for Competitive Staffing. Under this agreement, the Office of Personnel Management delegates examining authorities for specific positions to the agencies, permitting them to recruit, examine and hire without OPM approval or need for OPM Registers. These would be primarily positions which are peculiar to a respective agency, such as researchers in the Science and Education Administration or Soil Conservationists in the Soil Conservation Service. USDA was one of the first Departments to begin using this staffing authority.

As of July 9, 1980, seven USDA agencies had been granted staffing authority in specified positions. Included were Agricultural Marketing Service, Federal Grain Inspection Service, Agricultural Stabilization and Conservation Service, Farmers Home Administration, Food and Nutrition Service, Science and Education Administration, and Soil Conservation Service. Six additional agencies have requested authority with approval still pending. These include Animal and Plant Health Inspection Service; Economics, Statistics and Cooperatives Service; Foreign Agriculture Service; Forest Service; Food Safety and Quality Service; and Office of the Inspector General.

This special examining and staffing authority makes it possible to target recruiting and eliminate "mail order" recruitment programs. It enables us to more closely match candidate qualifications with requirements of the job.

Recently we have established a recruitment task force which is developing a comprehensive program to better coordinate agency recruiting. The task force is also planning a new recruiting brochure which will reflect the image of the entire Department and the jobs in the various agencies.

We have just published a brochure showing minorities and women at work in USDA ("People Serving People"). It will be an effective tool for us to use in our targeted recruiting efforts.

When I came to the Department in December, 1977, there were four minority supergrades. Although of that four, we lost three of them, today there are 14 minority members of the Senior Executive Service in the Department. We also have 17 women members of the SES and this represents an increase of 13 over 1977.

The Department has also received and is utilizing delegations in staffing Senior Executive Service Positions. This OPM delegation enables us to use wider latitude in recruitment and selection. We are currently using the SES Candidate Development Program to identify individuals within the service who have the potential to move into SES positions and also has an outreach program to recruit from outside the Civil Service. We now have a total of 31 candidates of which 29 percent are minorities or women—5 Black men, 1 Hispanic man, and 3 non-minority women. Currently, we are advertising for an additional 44 candidates, 40 to be selected from within the Federal Government and four from outside.

A look at our most recent permanent, full time, GS statistics, as of June 28, 1980, reveals that we are continuing to make gains in percentages of minorities and women in almost all levels. In comparing these statistics with the September 1979 ones, which we reported to Congressman Augustus Hawkins, minority employment has increased from 9,228 (11.2 percent) to 9,668 (11.7 percent). In comparing the statistics for women we find that the total percent increased from 21,761 (26.5 percent) to 22,495 (27.3 percent).

Overall USDA has increased from 8,717 (about 11 percent) minorities in December 1976 to 10,541 (12.3 percent) in December 1979. This is the total permanent, fulltime population, including all pay plans.

Needless to say, the government-wide freeze has slowed our momentum, but we remain optimistic about achieving our goals.

We fully recognize that numerical goals and timetables must be set and accomplished to bring USDA's work force in line with Government-wide statistics or the civilian labor force. For the first time each agency head is charged with the responsibility of actively using affirmative action goals to address this underrepresentation problem.

A particular emphasis is being placed on addressing the needs of Hispanics who not only are underrepresented in the Department and Government-wide but are especially underrepresented in Senior-level positions, which are the feeder groups into the Senior Executive Service. To correct this deficiency the interim affirmative action goals will be weighed accordingly and recruitment efforts will be directed to areas with large Hispanic populations.

We still have a long way to go in improving the representation of minorities and women in senior level positions.

Of the 6,005 permanent full time employees in GS-13 as of December 1979 only 342 (5.6 percent) are minority and 319 (5.3 percent) are women. At grade 14 there are over 2,700 of which 119 (4.3 percent) are minority and 99 (3.6 percent) are women. In grade 15 there are a total of over 1,300 of which 47 (3.5 percent) are minority and 39 (2.9 percent) are women.

We feel confident that by placing the burden on the manager who has the resources to hire and promote we can improve the representation of minorities and women at the senior level.

Our progress over the last few years can be categorized as a first step when measured against previous years of equal opportunity efforts in this Department. We do recognize that we have a long way to go to achieve the kind of equal opportunity results we are seeking. We also know that there is a natural tendency for managers and supervisors to let down after a couple of years of effort and increased EEO program visibility. However, we now have a new tool for building in more accountability. Under the Civil Service Reform Act the new performance evaluation system the Department has made EEO a critical job performance element for managers and supervisors. With this additional emphasis on accountability we expect to continue the momentum we have now.

In response to your request regarding EEOC's handling of Federal EEO complaints our assessment is as follows:

Since January 1979, when the EEOC assumed jurisdiction over the processing of federal sector discrimination complaints, little information has been made available on which to make a meaningful comparison. Nevertheless, our experiences to date reflect: 1. An average of three months response time to requests for hearings; 2. an average of two months following notification for the conduct of the hearing; 3. an average of a month and a half after holding the hearing before a recommended decision is received.

The hearing stage of the process seems to take slightly more time than it did when the function was with the Appeals Review Board, U.S. Civil Service Commission. We are cognizant of the fact that some of the backlogged cases on hand and problems pertaining to personal staffing affected timely processing. There may be other factors, also, not known to us.

In closing let me again reiterate that we recognize the need to intensify our recruitment efforts. We are actively doing that. We recognize the need to continue to hold management accountable for taking affirmative actions to change the Department's profile. We recognize the need to refine our EEO program systems to facilitate achieving results. In USDA we firmly believe that a Department that has a workforce which is representative of the nation's diversity will then truly be a more effective "Peoples' Department".

We appreciate this opportunity to present testimony concerning USDA employment.

ACTION EMPLOYEES UNION,
AFSCME LOCAL 2027,
Washington, D.C., August 20, 1980.

MR. CLEMON WILLIAMS,
House Subcommittee on Employment Opportunities,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. WILLIAMS: Attached is the corrected copy of our testimony given August 19, 1980 before the Sub-Committee on Employment Opportunities. This corrected version is respectfully submitted to you for inclusion in the record.

Thank you again for providing us the opportunity to testify.

Sincerely,

ELAINE SMITHSON, *President.*

PREPARED TESTIMONY OF ELAINE SMITHSON, PRESIDENT, ACTION EMPLOYEES UNION

Mr. Chairman, I appear before this committee today as the representative of more than one thousand workers at ACTION. Sam Brown, in his testimony before this committee today, describes some very remarkable affirmative action achievements at the senior-most levels of the ACTION Agency. His efforts in this area have been substantial and his irrefutable success should be publicly recognized. But, by his own admission, little has been accomplished for workers at the lowest levels. These are the people we represent; those who Mr. Brown describes as "left out and left behind."

Three Hundred fifty nine (359) of the workers we represent are in the lowest grades GS-1-6, and 322 are minorities and/or women. And while minorities comprise 31 percent of ACTION's workforce, they occupy 42 percent of the jobs at the lowest grade levels. Women comprise 55 percent of the Agency workforce, yet they are found in 81 percent of the lowest graded jobs. For these groups, upward mobility and career advancement are only fantasies which continually elude their grasp. For them there is no meaningful upward mobility program, no possible career advancement and no Agency commitment to assist them. However, we are extremely pleased that Sam's testimony today so strongly expresses his personal commitment to turn the situation around. We look forward to working closely with him to bring about creative and effective solutions to what are mutually recognized as very difficult problems.

Today I would like to enumerate some of the problems. Since 1976 when the first training agreement was signed creating ACTION's Upward Mobility Program, only thirty employees have been able to participate. The Affirmative Action plan calls for fifteen trainees per year. The end of fiscal year 1980 should see a total seventy-five employees having participated in this program, yet the record reveals that since 1976 only thirty will have benefited from the opportunity. Of the thirty, only 15 employees have entered during the entire Brown administration, and of the 30, several were jobs which both the Union and the Agency agree were not real upward mobility positions since they offered only minimal advancement.

While there has been a great deal of rhetoric about affirmative action for lower graded employees, we believe that there is little substance and insufficient commitment. To illustrate the point, it was not until August 5th of this year, only two weeks ago, that the Agency's Affirmative Action Plan for fiscal year 1980 was signed by the Director, making the one year plan over 10 months late. Is it any wonder that workers feel "left out and left behind."

We agree with the Director's assessment that little progress has been made in the critical areas of GS-7-12 and also with the reasons put forward by him. But these are not the only reasons. The jobs at these grade levels are certainly the ones which must be accessible if lower graded employees are ever to have the opportunity to advance. Restructuring for bridge positions and the establishment of a real upward mobility program are two very effective ways of accomplishing this vital goal.

But perhaps the most impact in these grade levels could be achieved if the competitive process cold simply be allowed to work. According to the Agency's own figures, nearly 60 percent of all vacancies are filled by some non-competitive process. This means that the employees we are concerned with today frequently never even get the opportunity to apply and compete for promotions. If we are to provide an effective and equitable means for career advancement, surely the first step must be to open the door to competition.

Lateral reassignments, many from other agencies, and the appointments of former Peace Corps and VISTA volunteers account for most of the non-competitive hiring at ACTION. For example, when the Assistant Director for Administration and Finance, James B. Lancaster, was appointed last year from the Department of Transportation, he brought at least eleven other persons with him. Eleven positions in most federal agencies are not significant, but in an agency as small as ACTION, the impact or career advancement may be felt for years. All were hired non-competitively and nearly half have since received career promotions.

At least as damaging to the advancement of lower graded employees is the non-competitive hiring of former Peace Corps and VISTA volunteers. Nearly all of these actions occur at the entry levels, GS-5 and 7. These are precisely the levels at which the crossover from clerical to professional series must take place. If positions at these levels are not available to lower graded employees, career advancement will continue to be only a fantasy.

It is our firm belief that positions at these levels are not available in sufficient numbers to provide meaningful advancement opportunities. Fully 19 percent of all vacancies are filled non-competitively by former volunteers. Since nearly all of those actions are at the GS-5 and 7 levels, only an insignificant number of vacancies remain for competition by current employees. Since the overwhelming majority of these employees are women and roughly half are minorities, it is little consolation to them that a respectable percentage of the former volunteers hired are also minorities and women.

This activity creates a dirisive and harmful struggle between two deserving groups. We cannot allow this to occur. Clearly, the challenge before us is to provide

best copy available

real opportunities for both. This is where we must focus our attention and it is to this end that we pledge our commitment and energy.

Along these lines we have made several attempts to address the problem through negotiation of a new labor agreement. These attempts have been frustrated by management at every juncture and are now formally at impasse. Frankly, we are baffled by a management that so easily and quickly talks about its commitment to affirmative action and to the disenfranchised, but absolutely refuses to state its commitment in a negotiated labor agreement. This agreement is the only vehicle through which workers can hold management accountable for its commitment. The success of Affirmative Action cannot be left to the personal commitment of an agency director. We sincerely regret this situation, but the record is clear, and the remedy is beyond our control. However, we stand ready to work with management towards any positive resolution of the problem.

On behalf of the workers at ACTION, thank you for the opportunity to present this testimony.

PREPARED STATEMENT OF VINCENT L. CONNERY, NATIONAL PRESIDENT, NATIONAL TREASURY EMPLOYEES UNION

I am Vincent L. Connery, National President of the National Treasury Employees Union. Our union is the exclusive representative of over 115,000 Federal workers in various agencies of the U.S. Government.

We appreciate the opportunity to present our views on the effect which the Civil Service Reform Act and the Equal Employment Opportunity Commission have had upon employment opportunity and protection in the Federal government. We ask that our comments be included in the official record of your Subcommittee's hearings on this very important issue.

Our union steadfastly supports the principle of equal employment opportunity in the Federal sector. We firmly believe that the United States Government should be in the forefront of promoting justice for all employees without regard to race, sex, creed or color. Over the years, our union has steadfastly represented the rights of our minority and women members.

When Representative Robert Garcia (D-NY) introduced his amendment to the Civil Service Reform Act mandating a minority recruitment program, we supported his initiatives in principle. We had serious reservations, however, about the regulations promulgated by the Office of Personnel Management implementing this provision of the Act. Basically, we believed then, as we do now, that the OPM's regulations did little to promote the true advancement of minorities and women within the Federal government.

The OPM's rules mandate that "underrepresentation" of women and minorities in certain job categories be determined through the use of civilian labor force data as reported by the Bureau of the Census and the Bureau of Labor Statistics. When these regulations were first proposed, we stated our belief that the use of such rigid numerical standards resembled a quota system, to which we were unalterably opposed. We urged the OPM to reshape its policy to resemble the goals and timetable approach now common in many private sector equal employment opportunity p[illegible]s.

We also objected to the sweeping authority given the OPM throughout the entire process of determining underrepresentation and prescribing remedies. The regulations, for example, allow OPM latitude to define a "category of civil service employment" which may be targeted for special recruitment programs. This provision is extremely vague and should be amended to include a clear definition of job category.

Equally important, we are very concerned that the regulations empower an agency to employ the use of selection methods involving pools of applicants other than those produced by normal merit procedures and "take other such action" to eliminate underrepresentation in predefined job categories. We find these provisions to be vague and open to the possibility of substantial abuse.

For example, this provision could also be used for political purposes at the expense of the very minorities and women it is intended to aid. Given the broad political power granted to the OPM under the Civil Service Reform Act and the fact that this agency possesses the authority to define underrepresentation and job categories, these provisions could be used to bring political allies of an Administration onto the Federal payroll under the guise of Special Recruitment.

In responding to our contentions, the OPM strongly denied that the program could be easily subject to abuse. The agency noted that both the statute and Equal Employment Opportunity Commission (EEOC) guidelines give them the responsibility for deciding occupational and grade groupings and for assisting agencies in their recruitment efforts. OPM spokesmen also claimed that the agency's authority to determine underrepresentation was designed to "trigger" recruitment, not to disguise a preferential hiring program. The regulations, OPM contends, make this point clear.

The fact that OPM defends its powers by citing the applicable statute and regulations, however, evades the important question of whether or not the agency should be granted such broad authority over EEO matters. The points we have raised are valid and address what we perceive to be fundamental weaknesses in the law and the implementing regulations. We urge the Subcommittee to examine the current program from this perspective and consider the adoption of any necessary statutory modification to correct these potential problems.

Most importantly, however, we believe that the OPM regulations implementing the minority recruitment goals contained in the Civil Service Reform Act fail to address the key issue in promoting equal employment opportunity in the Federal government. We are very disappointed that the internal recruitment of minorities and women already in the Federal service has not been given a higher priority either in law or by the OPM.

We have consistently argued that the aspirations of those workers who have already devoted their service to the Federal government should take precedence over any program to bring in new employees from the outside. This is especially true under current circumstances where a partial hiring and promotion freeze is in effect in many agencies throughout the Federal government.

Our experience has shown that minorities and women are well represented in the ranks of the Federal work force, but that they are largely concentrated in the lower grades in clerical and support positions.

We noted that this Subcommittee's draft report on women and minority employment also found that this trend exists in forth-five Federal agencies. The report confirms that minorities and women have made progress vis-a-vis gaining employment in the Federal sector, but these groups continue to be concentrated in lower salary grades. According to the report, seventy percent of minorities are at or below GS–8. Women represent nearly 80 percent of all employees at or below GS–4. While 77.6 percent of all women surveyed are concentrated at or below GS–8, only 26.9 percent of all men surveyed are employed at or below GS–8.

Our union has worked hard to promote advancement opportunities not only for those minorities and women who need training to develop their promotion potential, but for those who, having acquired additional skills on their own initiative, have still been denied the chance to further their careers. We believe that the demand for equal employment opportunity for present employees must be met before others are brought into the Federal service merely to satisfy statistical requirements.

In many of the agencies represented by our union, the employment figures support our contention that minorities and women, despite significant gains in recent years, are still too heavily represented in General Schedule grades 1 through 7. In the U.S. Customs Service, for example, 61 percent of all employees in these grades are women while 32 percent are from minority groups. In the Bureau of Public Debt, another agency of the U.S. Treasury Department, women comprise 79 percent and minorities 76 percent of the work force in the lower grades. In the Department of Energy, 82 percent of the GS–1 through 7 workers are women and 45 percent are minorities.

This trend is also reflected in the Internal Revenue Service which contains the bulk of our union's membership. Using the statistical formula promulgated by the OPM, we see that there is little, if any, underrepresentation of women and minorities in the lower grades and in the clerical and para-professional groupings. The reverse, however, is true in the higher grades and professional and supervisory categories. Though some minority groupings—most notably, black males—are relatively well represented in managerial jobs, the percentage of women and other minorities in these occupations is abysmally low.

Unfortunately, the OPM in 1979 issued a change in policy which will only exacerbate these problems and hinder the upward mobility of employees—especially women—within the IRS. Last year the OPM increased the qualification requirements for the GS–512 Internal Revenue Agent position and the GS–526 Tax Auditor position. The Revenue Agent occupation has career potential from GS–5 through GS–13, while the Tax Auditor position has a promotion ladder of GS–5–7 and 9.

Although both occupations involve the examination of individual and corporate tax returns, Revenue Agents traditionally conduct the more complex, time-consuming audits. For many years, it had been a requirement that an applicant for the GS–512 series have at least 15 college credit hours of accounting and 4 years of experience to qualify for a Revenue Agent position.

Generally, only applicants holding degrees in accounting qualified for the GS-512 series while the GS-526 Tax Auditor positions were filled from those who had passed the Federal entrance (PACE) examination. The GS-526 series, therefore, reflects a greater cross section of the total labor force than the GS-512 occupation. However, Tax Auditors were given 6 credit hours in accounting as part of their training, and many earned the additional credits on their own initiative in order to advance their careers by moving into the GS-512 series.

Recently, the OPM arbitrarily raised the minimum standard for the GS-512 position to require 24 hours of accounting plus a Bachelor's degree, not necessarily in accounting. This means that an individual who applies to the IRS with a B.A. degree in, for example, sociology and 24 hours of accounting is considered more qualified than a Tax Auditor who has earned 15 or more hours in accounting and has 4 years of IRS experience but no college degree. We fail to see how this change in requirements—which totally ignores the value of working experience—can promote the efficiency of the IRS, and we are working to have this policy altered.

The individuals who will suffer most from these changes are those employees in the GS-526 series, particularly minorities and women. The Treasury Department's 1979-80 Affirmative Action Report stated that of the 14,183 Revenue Agents, only 10.6 percent were woment and only 9.4 percent minorities. In contrast, 57.3 percent of the employees in the other auditing positions were women and 15.9 percent were minorities. In point of fact, the IRS does not list women or black women as underrepresented in the Tax Auditor series.

We find it appalling that the OPM has taken an action which makes it extremely difficult for such a large group of minority and female employees to advance their careers. For the OPM to impose external recruitment requirements on an agency and then block the aspirations of presently employed minorities and women is hypocritical and subverts true equal employment opportunity.

The Equal Employment Opportunity Commission (EEOC), like OPM, has also been remiss in fulfilling its responsibilities to combat employment discrimination in the Federal sector. All too frequently, we have encountered instances where the Commission has hampered its own effectiveness with lengthy delays in deciding cases. Often, the aggrieved employee leaves his/her job before the EEOC even reaches a decision on the complaint. Employees who are already working under difficult conditions because of discrimination are frustrated by the absence of a fair and expedited complaint procedure.

For instance, in the IRS' Kansas City Service Center, two EEOC complaints filed by employees in February 1977 were not heard until April 1980. Over three years have passed, and the employees have yet to receive a decision on their complaints. In another case, a complaint filed by a Des Moines, Iowa IRS employee in October 1978, was not brought to a hearing until June of 1980. These examples, are not the exception; as Federal employees have come to realize, lengthy delays are—unfortunately—the rule.

Another pressing problem we have encountered is the lack of effectiveness on the part of many agency EEO counselors, a fact which heightens employee dissatisfaction with the process. Since these individuals are employed by the agencies in which they are assigned to receive EEO complaints, their roles as counselors are often compromised. Finding themselves caught between their fellow employees and their agency management, many counselors have been negligent or even afraid to pursue thorough investigations of discrimination complaints which may lead to findings against their own supervisors. This lack of meaningful action at the agency level has seriously eroded employee trust in the EEO system and, in large part, rendered the entire process a sham.

Indicative of the ineffectiveness inherent in the EEO structure is the experience of one employee in an IRS District Office in the Midwestern United States. The employee asked an EEO counselor to investigate a discrimination complaint against a particular supervisor. However, this same supervisor was responsible for deciding whether the EEO counselor would receive a promotion to another postion. Fear[illegible] that the supervisor would deny his promotion for pursuing this investigation, [illegible] counselor requested that the employee delay his complaint until after the mana[illegible] had made his decision. This experience illustrates the tepid investigation action that is all [illegible] often taken on discrimination charges.

In addition, employees who filed EEO complaints have, in some cases, been subjected to harassment on the job by management. Consequently, our union has filed several reprisal complaints with the EEOC.

We feel that it is incumbent upon the EEOC to help create an atmosphere in the Federal sector free from the fear of management reprisals against employees who file discrimination charges. Yet, in the cases we have cited as well as others in our files, the local EEOC offices have provided little or no assistance or encouragement to employees. Unless the agency assumes a much more vigorous posture in assisting these employees, Federal workers will be reluctant to file complaints even if they are confronted with blatant and onerous discrimination.

Recently, the Commission sought to correct some of these problems by proposing new regulations for streamlining its existing interim regulations. In our comments to the EEOC on these proposals, we stressed that any modification in the complaint procedure must work to secure the rights of the employee and ensure swift, fair adjudication of complaints. While we endorsed several of the suggested regulations as welcome improvements, we maintain that they are only a beginning. Unless all of the problems we have cited are addressed, the system will remain unnecessarily complicated and overly drawn out. Most importantly, we firmly believe that the EEOC process must provide speedy remedies, because justice delayed is certainly justice denied.

Moreovar, the proposed regulations do not eliminate the conflict inherent in the position of the EEO counselor. The counselors remain management appointees and employees. We commented that the process by which counselors are selected should be negotiable within the limits of the provisions of the Civil Service Act of 1978. The regulations should contain specific references to the agency's obligation to bargain on this selection process with any exclusively recognized employee organization. In the alternative, the union should be permitted to designate counselors, on its own, to whom employees can turn when they do not have faith in agency appointed counselors.

As a final point, we would also like to call the Subcommittee's attention to the sex bias inherent in the Federal job classification mechanism, called the Factor Evaluation System (FES). This process has a critical bearing on the status of minorities and women in the Federal government. In earlier testimony before the EEOC, our union voiced strong objectives to the discriminatory manner in which FES assigns "weights" to various job tasks in order to determine an exact monetary value for each of these duties.

An analysis of the weights reveals that the same job components are deemed to be of less value in a position traditionally assumed by a woman than one generally filled by a man. For example, the points awarded a nurse or a secretary for the "personal contacts" category are negligible compared to those alloted for the "personal contacts" of an engineer. This built in bias is reflected in both the higher salaries paid for tasks defined as male-oriented and in women's age-old relegation to sex-segregated jobs at the lower end of the pay scale.

We believe the the principle of equal pay for equal work must be upheld in the Federal sector. We urge the Subcommittee to call upon the EEOC to establish firm guidelines to attack this problem at all levels. Such a program should mandate review of job classification systems for their adverse impact on the wages paid women and minorities.

In summary, we believe that internal recruitment must be an integral part of any fair equal employment opportunity program. We are convinced that unless Congress takes positive action on internal recruitment, real "progress" for minorities and women can never be fully achieved. Further, the EEOC complaint process must be refashioned to guarantee Federal employees protection against discrimination in a fair and timely manner. We urge the Subcommittee to do all in its power to ensure that equal employment opportunity and protection are fully extended to all workers now employed by the U.S. government.

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